

Exhibit G - Tran Deposition

Officer Michael Tran ~ December 18, 2018
* * * Videotaped Deposition * * *

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1 CERTIFICATE OF REPORTER

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of Nevada, do hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given to the best of my
12 ability.

13 Further, that before completion of the
14 proceedings, review of the transcript [X] was
15 [] was not requested pursuant to NRCP 30(e).

16 I further certify I am neither financially
17 interested in the action, nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.


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22 Dated: December 27, 2018

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GALE SALERNO, RMR, CCR No. 542

Officer Michael Tran ~ December 18, 2018
* * * Videotaped Deposition * * *

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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6 TRINITA FARMER, individually,)
7 Plaintiff,)
8 vs.) Case No.
9 LAS VEGAS METROPOLITAN POLICE) 2:18-cv-00860-GMN-VCF
10 DEPARTMENT, a political)
11 subdivision of the State of)
12 Nevada; KENNETH LOPERA,)
13 individually; TRAVIS CRUMRINE,)
14 individually; MICHAEL TRAN,)
15 individually; MICHAEL FLORES,)
16 individually,)
17 Defendants.)
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**CONDENSED
TRANSCRIPT**

VIDEOTAPED DEPOSITION OF OFFICER MICHAEL TRAN

Taken on Tuesday, December 18, 2018

At 10:07 a.m.

Held at Lagomarsino Law

3005 West Horizon Ridge Parkway, Suite 241

Henderson, Nevada 89052

Reported By: Gale Salerno, RMR, CCR No. 542

Officer Michael Tran ~ December 18, 2018
* * * Videotaped Deposition * * *

3 (Pages 6 to 9)

<p style="text-align: right;">Page 6</p> <p>1 Also in person Denise Valdivia, 2 Trinita Farmer, and Margie Day. 3 MR. MCNUTT: Dan McNutt, on behalf of 4 Ken Lopera. 5 MR. ANDERSON: Craig Anderson, on behalf 6 of the Las Vegas Metropolitan Police Department, 7 Officer Michael Tran, Officer Travis Crumrine, and 8 Officer Flores. 9 THE VIDEOGRAPHER: The witness may now be 10 sworn in by Gale Salerno with All-American Court 11 Reporters. 12 - - - 13 OFFICER MICHAEL TRAN, 14 having been first duly sworn, was 15 examined and testified as follows: 16 - - - 17 18 EXAMINATION 19 BY MR. LAGOMARSINO: 20 Q. Can you please state your full name and 21 spell your last name for the record. 22 A. Michael Tran. Last name T-r-a-n. 23 Q. And are you a police officer? 24 A. Yes. 25 Q. What is your P number?</p>	<p style="text-align: right;">Page 8</p> <p>1 Any changes of an important nature could cause the 2 attorneys to comment on your credibility at the time 3 of trial. 4 Do you understand that? 5 A. Yes. 6 Q. If at any time you need a break, please let 7 us know. Okay? 8 A. Yes. 9 Q. The attorneys here from time to time will 10 likely be making objections. They're not doing that 11 to be obstructive. There's not a judge here to rule 12 on them. If you allow them to -- strike that. 13 Please allow them to finish their 14 objections, and then if you understand the question, 15 please answer it. Okay? 16 A. Yes. 17 Q. In everyday conversation nods of the head 18 are perfectly acceptable. "Uh-huhs" and "nuh-uhs" 19 are perfectly understandable. However, it's 20 difficult to understand those on the transcript. 21 So from time to time I may say is that a 22 yes, is that a no? I'm not trying to be rude. I'm 23 just trying to make a clear record. 24 Do you understand that? 25 A. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. 15221. 2 Q. Do you understand that today you're sworn 3 to tell the truth? 4 A. Yes. 5 Q. That although we are in an informal 6 conference room setting, it's the same oath that you 7 would take in a court of law? 8 A. Yes. 9 Q. That any material misrepresentation could 10 subject you to the pains and penalties of perjury. 11 Do you understand that? 12 A. Yes. 13 Q. It's not to suggest that you will commit 14 perjury, only to inform you of the consequences 15 thereof. 16 Everything is being taken down by a court 17 reporter today. Although we have a videographer 18 here, the official record is the court reporter's 19 transcript. 20 I would ask that you allow me to finish my 21 question, and I will allow you to finish your answer 22 so that we have a clear record. Do you understand? 23 A. Yes. 24 Q. At the end of this deposition, you'll have 25 an opportunity to make changes to your deposition.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. We're going to be going for several hours 2 today. From time to time I may mumble a question or 3 bumble it or I may speak too low. If you don't 4 understand, please tell me and I'll be happy to 5 rephrase. Okay? 6 A. Yes. 7 Q. What did you do to prepare for today's 8 deposition? 9 A. I reviewed my statements from FIT and CIRT, 10 and previous deposition. 11 Q. Your previous deposition? 12 A. Correct. 13 Q. Have you reviewed anybody else's FIT or 14 CIRT statements? 15 A. Anybody else as in other officers? No. 16 Q. Have you reviewed any body cam footage? 17 A. Not recently. 18 Q. Have you ever reviewed any body cam 19 footage? 20 A. Yes. 21 Q. Which body cam footage did you review? 22 A. Lopera's. And then the Venetian security. 23 Q. Have you reviewed any body cam footage from 24 any of the other officers? 25 A. No.</p>

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4 (Pages 10 to 13)

Page 10	Page 12
<p>1 Q. Did you meet with anybody to prepare for 2 your deposition? 3 A. Just Craig. 4 Q. And when did you meet with him? 5 A. It was a phone meeting Thursday or Friday, 6 something like that. 7 Q. And without telling me what was said, how 8 long was that meeting? 9 A. 20 minutes, 30 minutes. 10 Q. Have you ever met with Mr. Dan McNutt, this 11 attorney right here? 12 A. No. 13 Q. Have you ever -- when was the last time you 14 spoke with Kenneth Lopera? 15 A. The night of the incident. I haven't seen 16 him since. 17 Q. Have you reviewed the CIRT report in this 18 case? 19 A. My CIRT report? 20 Q. Yes. 21 A. Yes. 22 MR. MCNUTT: Objection. Form. 23 MR. ANDERSON: I think it's a 24 misunderstanding. 25</p>	<p>1 Q. Clark? And when did you graduate? 2 A. 2002. 3 Q. Did you attend college after Clark? 4 A. Yes. 5 Q. Where did you attend college? 6 A. UNLV. 7 Q. What years did you attend UNLV? 8 A. 2002 to 2007. 9 Q. And did you graduate? 10 A. Yes. 11 Q. What was your degree in? 12 A. Kinesiology. 13 Q. What is kinesiology? 14 A. The study of exercise science, human 15 movement. 16 Q. What was your first job after college? 17 A. It was a personal trainer. 18 Q. Were you independent, or did you work for a 19 company? 20 A. I worked for a business, yes. 21 Q. Who did you work for? 22 A. Philippi, Mark Philippi Sports Institute. 23 Q. And how many years did you work with 24 Mark Philippi? 25 A. Seven.</p>
Page 11	Page 13
<p>1 BY MR. LAGOMARSINO: 2 Q. When you say your CIRT report, when did you 3 receive that CIRT report? 4 A. My CIRT statement? 5 Q. Okay. I understand you gave a statement to 6 CIRT, correct? 7 A. Correct. 8 Q. Do you know that CIRT issued a report? 9 A. No. 10 Q. Were you brought before the Use of Force 11 Board? 12 A. The CIRT Review Board, yes. 13 Q. And when you were brought before the CIRT 14 Review Board, were you given a report issued by CIRT? 15 A. Not to my knowledge, no. 16 Q. What documents were you given when you went 17 to the CIRT Review Board? 18 A. I don't believe I got any documents from 19 them. 20 Q. I want to go briefly through your 21 educational background. 22 Where did you go to high school? 23 A. When or where? 24 Q. Where. 25 A. Las Vegas, Clark.</p>	<p>1 Q. What was your next position after working 2 with Mark Philippi? 3 A. I went over to Lifetime Fitness as a 4 personal trainer still. 5 Q. And how long were you at Lifetime Fitness? 6 A. A year; six months to a year. 7 Q. After Lifetime, where did you go? 8 A. Metro. 9 Q. Was that the first time you had applied to 10 work at Metro? 11 A. I think it was my second time. 12 Q. When did you first apply? 13 A. 2012. 14 Q. And why didn't you go into Metro at that 15 time? 16 A. I didn't pass the written the first time. 17 Q. What's required to be selected to take -- 18 to join Metro and go to the Academy? 19 A. A written exam, physical, background check, 20 polygraph, psych test. 21 Q. Were there, like, any boards? 22 A. Oral board. 23 Q. So we've got the written exam, the 24 physical, the polygraph, the psych evaluation or test 25 and oral board. Anything else?</p>

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5 (Pages 14 to 17)

Page 14	Page 16
<p>1 A. Did I say the physical?</p> <p>2 Q. Yes.</p> <p>3 A. That's all I can remember for now.</p> <p>4 Q. In terms of the -- do you know how close</p> <p>5 you were to passing in 2012, or did they just tell</p> <p>6 you pass or fail?</p> <p>7 A. I think I was a couple of points away.</p> <p>8 Q. And did you pass all the other areas, to</p> <p>9 your knowledge, in 2012?</p> <p>10 A. No. Because I didn't pass the written and</p> <p>11 I didn't move to the next step.</p> <p>12 Q. The written was the first step?</p> <p>13 A. First step.</p> <p>14 Q. Okay. When did you next apply with Metro?</p> <p>15 A. Somewhere around 2013 or 2014.</p> <p>16 Q. And you passed the written at that point?</p> <p>17 A. Correct.</p> <p>18 Q. What was done for you in terms of the</p> <p>19 psychological evaluation, do you recall?</p> <p>20 A. There was a psych test or multiple choice</p> <p>21 questionnaire, and you met with the psychologist and</p> <p>22 he just went over it.</p> <p>23 Q. Do you recall how long the multiple choice</p> <p>24 questionnaire was?</p> <p>25 A. It was pretty lengthy, but I don't know.</p>	<p>1 commission patrol date?</p> <p>2 Q. Thank you for clarifying. First let's</p> <p>3 start with the Academy.</p> <p>4 A. It was April 16th, 2015.</p> <p>5 Q. Okay. And when was your service date --</p> <p>6 commission date? Sorry.</p> <p>7 A. October 22nd, 2015.</p> <p>8 Q. What command are you presently stationed</p> <p>9 with?</p> <p>10 A. Convention Center Area Command.</p> <p>11 Q. How long have you been there?</p> <p>12 A. Two years.</p> <p>13 Q. Prior to Convention Center Area Command,</p> <p>14 where were you?</p> <p>15 A. I was in field training, but I was</p> <p>16 stationed at Northwest Area Command.</p> <p>17 Q. When did you stop field training?</p> <p>18 A. February 2016.</p> <p>19 Q. You understand the incident that we're here</p> <p>20 for today involves Tashi Farmer?</p> <p>21 A. Yes.</p> <p>22 Q. Sometimes you may hear me to refer to</p> <p>23 Tashi Farmer, Tashi Brown.</p> <p>24 Do you know what the date of the incident</p> <p>25 was with Tashi?</p>
Page 15	Page 17
<p>1 Q. Were you ever provided with any written</p> <p>2 records pertaining to your psych test?</p> <p>3 A. No.</p> <p>4 Q. Do you believe they're in your file at</p> <p>5 Metro?</p> <p>6 A. I assume so. I don't know.</p> <p>7 Q. What's your current classification?</p> <p>8 A. Police officer.</p> <p>9 Q. Is it PO II?</p> <p>10 A. PO II, correct.</p> <p>11 Q. How long have you been a PO II?</p> <p>12 A. At least two years.</p> <p>13 Q. What are your duties as a PO II?</p> <p>14 A. Respond to calls for service. Proactive</p> <p>15 stops. Daily duties of a police officer. I don't</p> <p>16 know.</p> <p>17 Q. Did your duties change when you went from</p> <p>18 PO I to PO II?</p> <p>19 A. No.</p> <p>20 Q. Is it basically just a difference in pay?</p> <p>21 A. Correct. I'm off probation from PO I to</p> <p>22 PO II.</p> <p>23 Q. When was your first date of service with</p> <p>24 Metro?</p> <p>25 A. You're referring to the Academy date or</p>	<p>1 A. I don't.</p> <p>2 Q. Does May 14th, 2017 sound about right?</p> <p>3 A. Yes.</p> <p>4 Q. Mother's Day?</p> <p>5 A. Yes.</p> <p>6 Q. What time did you start working that night?</p> <p>7 A. On that night I would have started at 2000</p> <p>8 hours.</p> <p>9 Q. 8:00 o'clock?</p> <p>10 A. Correct.</p> <p>11 Q. And at the time, again, you were with the</p> <p>12 Convention Center Area Command?</p> <p>13 A. Correct.</p> <p>14 Q. Who was your lieutenant that night?</p> <p>15 A. Lieutenant Summers.</p> <p>16 Q. Who was your acting sergeant that night?</p> <p>17 A. Officer Wandick.</p> <p>18 Q. Where was Sergeant Crumrine in your chain</p> <p>19 of command?</p> <p>20 A. He's my sister squad sergeant.</p> <p>21 Q. Did he have authority over you that night?</p> <p>22 A. Yes. He's the sergeant.</p> <p>23 Q. So can you briefly tell me what the</p> <p>24 procedure is when you start your shift? Is there</p> <p>25 roll call?</p>

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6 (Pages 18 to 21)

Page 18	Page 20
<p>1 A. There's a briefing. 2 Q. Where does that briefing take place? 3 A. At the Convention Center Area Command, the 4 briefing room. 5 Q. And who conducts the briefing? 6 A. It would have been the acting sergeant 7 then. I don't remember, but it's always a sergeant 8 that does it. 9 Q. And what types of things are discussed at 10 the briefing? 11 A. What we're planning on doing the night, 12 what stops we're going to do, what directed patrol 13 activity we're going to conduct that night. 14 Q. Do you recall what the briefing was about 15 that night? 16 A. I don't. 17 Q. So after you first start around 8:00, how 18 long does that briefing usually take? 19 A. 15, 20 minutes. 20 Q. And I forgot to give you an instruction 21 earlier in the deposition. From time to time I'm 22 going to ask you to estimate. I just don't want you 23 to guess. 24 And so I know you're not guessing right 25 now, but you know the difference between an estimate</p>	<p>1 briefing, correct? 2 A. Yes. 3 Q. Where is that conducted? 4 A. At the Wells Fargo Center on Koval and 5 Flamingo -- I'm sorry, Howard Hughes and Flamingo, I 6 think. 7 Q. Where in the Wells Fargo Center? 8 A. In the parking lot. 9 Q. How many people are usually present, 10 roughly? 11 A. 20, 30 officers, maybe. 12 Q. Who conducts that briefing? 13 A. Usually a lieutenant. 14 Q. Do you remember who conducted it that 15 night? 16 A. I believe it was Lieutenant Summers. 17 Q. And what goes into that briefing -- strike 18 that question. 19 What is discussed during that briefing? 20 A. Our posts, where officers are supposed to 21 be stationed, what type of activities we should be 22 focusing on. 23 Q. Okay. And so you were going to be posted 24 at The Link? 25 A. Correct.</p>
Page 19	Page 21
<p>1 and a guess, correct? 2 A. Correct. 3 Q. So about 15 or 20 minutes. And then after 4 you have that first briefing, what's the normal 5 procedure? 6 A. We get our patrol cars ready and go out on 7 the street, log on, go out on the street. 8 Q. Where in the process do you get food? 9 A. So that night we were -- we were stationed 10 for Safe Strip, so we have Safe Strip briefing at 11 midnight. So between 8:00 to midnight we would find 12 an hour to go get food. 13 Q. When do you typically get your meal after 14 first clocking in? 15 A. If you're referring to that night, between 16 8:00 and midnight. 17 Q. Do you have a regular practice? Like, do 18 you usually get a meal right after you start, or do 19 you wait? 20 A. That night compared to now, I'm on a 21 different schedule. I'm not -- but if you're 22 referring to that night, on Safe Strip nights, we 23 always eat between 8:00 to midnight, somewhere around 24 there. 25 Q. And then so you have this Safe Strip</p>	<p>1 Q. Did you have like a call name? Is it 2 Link 1? 3 A. Correct. It's a call sign. 4 Q. What's Link 1 stand for? 5 A. We usually got assigned a call sign to the 6 property we were on. 7 Q. Was there a Link 2? 8 A. No. 9 Q. So does Link 1 apply to you and Officer 10 Flores? 11 A. Correct. 12 Q. Do you remember getting a call from 13 Venetian 1 that night? 14 A. I remember hearing Venetian 1 on the radio. 15 Q. What do you recall hearing? 16 A. I heard them ask for a Code Red. 17 Q. And what's a Code Red? 18 A. Usually we say Code Red when we need the 19 channel locked down for the officer and an emergency. 20 Q. Anything else besides Code Red that you can 21 remember? 22 A. No. 23 Q. So what did you do in response to that Code 24 Red? 25 A. My partner and I were already in our patrol</p>

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7 (Pages 22 to 25)

Page 22

1 vehicle. And when we heard the Code Red, we heard
 2 Venetian 1. And as I said earlier, officers are
 3 assigned to -- call signed to their property.
 4 Venetian was just north of us. So we got in our
 5 vehicle and started driving over to the Venetian
 6 property.
 7 Q. So you get the call. When you get the
 8 call, are you in the car at that time? Or are you
 9 out of the car?
 10 A. We were inside the car still.
 11 Q. And do you recall where you were when you
 12 were inside the car? Were you like in the parking
 13 garage?
 14 A. I was in the parking garage, correct.
 15 Q. So what do you do next?
 16 A. When I -- where am I starting from?
 17 Q. Yeah. So you're in the car in the parking
 18 garage. You hear the call come through. What do you
 19 do next?
 20 A. We exit the parking garage, lights and
 21 sirens. And we -- there's a back alley that connects
 22 the Venetian and the Link, and we drive towards the
 23 Venetian.
 24 Q. Okay. How long does it take you to get
 25 to -- strike that.

Page 24

1 A. Yeah. It's a big piece of concrete you can
 2 move around. I don't know what they're called.
 3 Q. Okay. And were you parked on the same side
 4 as Sergeant Crumrine? Like, was the barrier
 5 separating your vehicles, or were you on the same
 6 side of the barrier?
 7 A. We were on the same side.
 8 Q. How far did you park away from where
 9 Crumrine, Lopera and Tashi were?
 10 A. I don't know, 10 yards.
 11 Q. About 20 feet-ish?
 12 A. Yeah, 20, 30 feet.
 13 Q. And what vehicle were you driving that day?
 14 A. A Ford Explorer.
 15 Q. Were you driving or was Officer Flores
 16 driving?
 17 A. I was driving.
 18 Q. So you park your vehicle. What do you do
 19 as soon as you park your vehicle?
 20 A. I exit the vehicle. I remember trying to
 21 get on the radio to give out our location, and I run
 22 straight towards the officers that I saw by the
 23 barrier wall.
 24 Q. All right. So when you first run up,
 25 Crumrine was on Tashi's legs and feet, correct?

Page 23

1 Can you estimate how long it takes you to
 2 get to the scene?
 3 A. Thirty seconds. It's right next door.
 4 Q. Where do you park your vehicle?
 5 A. As I'm pulling up into their loading dock
 6 area, I see a patrol car, and I park right north of
 7 that, and I exit.
 8 Q. Can I just have you draw a diagram of just
 9 where you parked. I would like you to indicate the
 10 barrier, your vehicle, I believe Sergeant Crumrine's
 11 vehicle, and where Tashi was with Sergeant Crumrine
 12 and Kenneth Lopera.
 13 A. Okay. So I'm not quite an artist.
 14 So this would be the -- Sergeant Crumrine's
 15 vehicle, the "X." And then the "O" would be where I
 16 parked my car.
 17 This is the -- they're back of the house
 18 that leads to the valet up front here. And they're
 19 right here by this pony wall.
 20 Q. Okay. All right. I'm sorry, you said a
 21 pony wall?
 22 A. Yeah. I don't know what they're called.
 23 Q. Like a barrier?
 24 A. Yeah.
 25 Q. It could be called pony wall?

Page 25

1 A. He was near the legs and feet, correct.
 2 Q. When you say "near," I mean, he had his
 3 hands around Tashi's legs and feet, correct?
 4 A. Well, I mean, he was near -- at the time
 5 when I got out of the vehicle and ran up, he was near
 6 the legs. I don't know if he was on top or if he was
 7 holding, but he was near the legs and feet, correct.
 8 Q. Okay. All right. Can you just please
 9 write your name there.
 10 A. Anywhere?
 11 Q. Yeah, anywhere.
 12 A. Okay.
 13 (Exhibit 19 was marked for
 14 identification.)
 15 MR. LAGOMARSINO: I'll get you guys a copy
 16 on the break.
 17 MR. MCNUTT: One of us can get a copy when
 18 we get the transcript. That's fine.
 19 MR. LAGOMARSINO: All right.
 20 (Exhibit 1 was marked for
 21 identification.)
 22 BY MR. LAGOMARSINO:
 23 Q. You had your deposition taken in a
 24 different case involving Tashi Farmer; is that
 25 correct?

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8 (Pages 26 to 29)

Page 26	Page 28
<p>1 A. Yes.</p> <p>2 Q. And you said you reviewed that before</p> <p>3 today's deposition?</p> <p>4 A. Yes.</p> <p>5 Q. Going to page 26 -- well, this is a mini</p> <p>6 deposition, so there's four pages on one page. But</p> <p>7 if you go to the page on the bottom that says 26 to</p> <p>8 29. So at line 17 of page 26, at the top left-hand</p> <p>9 corner.</p> <p>10 A. 17?</p> <p>11 Q. Yeah. So, sorry, so you'll see pages.</p> <p>12 They go kind of horizontal.</p> <p>13 A. Okay.</p> <p>14 Q. The question was at line 17: "Did you</p> <p>15 recognize the two officers?"</p> <p>16 And what was your answer at lines 18 to 20?</p> <p>17 A. "I recognized one" -- do you want me to</p> <p>18 read it? Is that what you're asking me?</p> <p>19 Q. Yes, please.</p> <p>20 A. "I recognized one officer that was on the</p> <p>21 unknown subject's feet, feet area, but I did not -- I</p> <p>22 could not see the other officer."</p> <p>23 Q. So when you say he was on his feet area,</p> <p>24 what did you mean by that?</p> <p>25 A. He was near the unknown subject's feet.</p>	<p>1 So I'm just asking you the facts right now,</p> <p>2 not necessarily what you recall from that night or</p> <p>3 what you watched on video. Okay?</p> <p>4 So when you first ran up, where was</p> <p>5 Officer Lopera?</p> <p>6 A. He was on his side.</p> <p>7 Q. And was he behind Tashi?</p> <p>8 A. They were -- yes. They were both on their</p> <p>9 side. He was behind.</p> <p>10 Q. And at that time, Lopera was holding onto</p> <p>11 Tashi, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And how was he holding onto him?</p> <p>14 A. He was holding him.</p> <p>15 Q. Did he have his arm around his neck?</p> <p>16 A. At the time, I didn't observe that.</p> <p>17 Q. Okay. All right. Let's get Exhibit 2.</p> <p>18 (Exhibit 2 was marked for</p> <p>19 identification.)</p> <p>20 BY MR. LAGOMARSINO:</p> <p>21 Q. What is Exhibit 2?</p> <p>22 A. It's my FIT statement.</p> <p>23 Q. And go ahead and flip through it.</p> <p>24 So there are page numbers on the bottom.</p> <p>25 This is produced by Metro. It says LVMPD 1587</p>
Page 27	Page 29
<p>1 Q. Was he just --</p> <p>2 A. Or legs area.</p> <p>3 Q. Was he just standing there, or was he in</p> <p>4 physical contact with them?</p> <p>5 A. He was crouched down.</p> <p>6 Q. Did it appear to you that he was holding</p> <p>7 his legs down?</p> <p>8 A. At the time, I just knew he was by his</p> <p>9 feet. I don't know what force he was using, or if</p> <p>10 any physical force.</p> <p>11 Q. What was Lopera doing when you first ran</p> <p>12 up?</p> <p>13 A. They were laying on the ground.</p> <p>14 Q. On his side?</p> <p>15 A. Yes.</p> <p>16 Q. And Lopera was where? That's a vague</p> <p>17 question. I'll rephrase.</p> <p>18 Lopera was behind Tashi, correct?</p> <p>19 A. I'm sorry, because I've seen the videos and</p> <p>20 I'm trying to -- I'm trying to recall from what I</p> <p>21 specifically saw that night.</p> <p>22 Q. Well, and I may differentiate that, but</p> <p>23 what I'm asking you right now is based on you watched</p> <p>24 Lopera's body cam. You were there, and you've seen</p> <p>25 some Venetian footage.</p>	<p>1 through 1593. Is that what you have in front of you?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. All right. It looks like there's --</p> <p>4 is that the last page you have, or is there a page</p> <p>5 behind that?</p> <p>6 A. No. It's the last page.</p> <p>7 Q. All right. So does this appear to be a</p> <p>8 true and correct copy of your FIT statement?</p> <p>9 A. Yes.</p> <p>10 Q. And when did you give your FIT statement?</p> <p>11 A. The night of the incident.</p> <p>12 Q. And do you believe that your recollection</p> <p>13 was better the night of the incident or today?</p> <p>14 A. As in, do I believe I know the facts more</p> <p>15 today or the night of?</p> <p>16 Q. Well, not -- I'll differentiate. Based on</p> <p>17 your independent recollection of the incident, not</p> <p>18 counting the video surveillance that you watched or</p> <p>19 video camera footage, would your memory be better</p> <p>20 today or the night of the incident?</p> <p>21 MR. ANDERSON: Objection. Form.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: Probably today. I mean...</p> <p>24 BY MR. LAGOMARSINO:</p> <p>25 Q. Well, when you gave your FIT statement, you</p>

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9 (Pages 30 to 33)

Page 30	Page 32
<p>1 were asked at 1590 -- so JL stands for Detective J. 2 Leavitt. Do you know who that is? 3 A. I do not. 4 Q. And MT is Michael Tran, I'll represent. 5 So you state, "But as I turned I saw the 6 patrol vehicle parked right before the entrance -- 7 right before the entrance of the, uh, Venetian." 8 And then Detective Leavitt says, "Okay, 9 perfect. Yeah, if you'll go on to what you saw and 10 what you do from that point then." 11 What was your answer on the night of the 12 incident? You can just read the whole thing into the 13 record. 14 A. "Okay. So as I pulled up, I saw the 15 vehicle. I saw a green uniformed officer. I didn't 16 know who it was so I jumped out. As I ran up to the 17 uniformed officer, I saw another officer, uh, holding 18 a suspect on the ground in what appeared to be an 19 LVNR. I went to grab the suspect's hands to cuff 20 him, and there was a cuff on one of the wrists -- I 21 want to say the left one. So we're trying to pull 22 his arm out to get him cuffed, but it seemed like it 23 was wedged between either the officer and the LVNR 24 and the suspect's own back. So I was trying to 25 pretty much pull it out and couldn't. So I looked at</p>	<p>1 compressions on the suspect and medical showed up 2 shortly after." 3 Q. So going back a little bit in time. You 4 did handcuff Tashi; is that correct? 5 A. Correct. 6 Q. And do you have any recollection of Tashi 7 struggling at all? 8 A. No. 9 Q. Tashi did not struggle when you put the 10 handcuffs on him; is that correct? 11 A. Not to my recollection. 12 Q. And let me just get a clearer record 13 because it was kind of a double negative question. 14 Did Tashi struggle when you put the 15 handcuffs on him? 16 MR. MCNUTT: Objection. Form. 17 THE WITNESS: No. 18 BY MR. LAGOMARSINO: 19 Q. How much time can you estimate elapsed from 20 the time that you exited your vehicle when you first 21 got there to the time that you said loosen up? 22 A. 40 seconds. 23 Q. And you said loosen up because he appeared 24 to be out, correct? 25 A. Correct.</p>
Page 31	Page 33
<p>1 the suspect, and he appeared to be out, like 2 unconscious. So I told the officer, hey, I think 3 he's out, you can loosen up a little. So as he 4 loosened up, we were able to pull his right arm back, 5 and my partner put a second cuff on his right arm and 6 cuffed it to..." 7 Q. And then, interrupted, said "It's all 8 right," and then can you continue, please. 9 A. Cuffed it to the -- "cuff that was already 10 on his left wrist. After that we rolled him up or 11 rolled him on his back. I attempted to do sternal 12 rubs and see if he would wake up. I tried looking 13 for a pulse, but I couldn't find one. I didn't know 14 if it was just -- if my adrenaline was flying or 15 what, but I couldn't find one when I was trying to do 16 that. I sat him up, gave him some lower back taps to 17 see if that would wake him up. I wasn't getting 18 anything out of him so I called -- well, I called for 19 medical. After that, I think somebody else already 20 called for him, but I called for medical, cleared the 21 red, and waited for medical. While we were waiting, 22 another couple units -- I know an FTO and his trainee 23 showed up, and while they were there they checked for 24 a pulse and they couldn't find one either. So that's 25 when we uncuffed him and he started doing chest</p>	<p>1 Q. And by "out," what do you mean? 2 A. He was unconscious. 3 Q. How long did it take you to handcuff him? 4 A. 40 seconds. 5 Q. And during that entire time, you did not 6 observe whether he was conscious, correct? 7 MR. ANDERSON: Objection. Form. 8 THE WITNESS: While I was attempting to 9 handcuff him, no. 10 BY MR. LAGOMARSINO: 11 Q. Did you check to see if he was conscious 12 while you were attempting to handcuff him? 13 A. On that night, my recollection is still -- 14 from that night, what I remember was we couldn't get 15 his arm free to handcuff him. And I looked down and 16 saw he was unconscious, and I told him loosen up. 17 That's when he loosened up, and we were able to get 18 his arm free to handcuff him. 19 Q. When you say loosen up or he loosened up, 20 "he" is Lopera, correct? 21 A. Correct. 22 Q. Did you ever have a conversation with 23 Flores that night about the incident? 24 A. I don't recall. 25 Q. Eventually you were separated as partners,</p>

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* * * Videotaped Deposition * * *

10 (Pages 34 to 37)

Page 34	Page 36
<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Why were you separated as partners?</p> <p>4 A. We weren't -- I transferred off the squad.</p> <p>5 Q. Why did you transfer off the squad?</p> <p>6 A. June.</p> <p>7 Q. But why?</p> <p>8 A. Oh, it was a better shift. I got off</p> <p>9 graveyard.</p> <p>10 Q. And you say "better shift," how many shifts</p> <p>11 are there?</p> <p>12 A. At least three.</p> <p>13 Q. And is graveyard viewed as the worst shift?</p> <p>14 A. For me it is.</p> <p>15 Q. At the Academy, or at any training since</p> <p>16 you graduated the Academy, were you ever taught what</p> <p>17 a rear naked choke is?</p> <p>18 A. Never taught that.</p> <p>19 Q. So is it fair to say that since you did</p> <p>20 not -- strike that.</p> <p>21 Since you were not taught what a rear naked</p> <p>22 choke is, you're not able to tell the difference</p> <p>23 between a rear naked choke and an LVNR?</p> <p>24 MR. ANDERSON: Objection. Form.</p> <p>25 MR. MCNUTT: Join.</p>	<p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. Now, is it fair to say that you're only</p> <p>3 allowed to use the five-second cycle when you tase a</p> <p>4 person?</p> <p>5 A. Yes.</p> <p>6 MR. MCNUTT: Objection. Form.</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q. And if Lopera used his taser for nine</p> <p>9 seconds, that would violate Metro's policy; is that</p> <p>10 correct?</p> <p>11 MR. MCNUTT: Objection. Form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. LAGOMARSINO:</p> <p>14 Q. In watching Lopera's video, did you see</p> <p>15 Lopera striking Tashi 10 to 12 times?</p> <p>16 MR. MCNUTT: Objection. Form.</p> <p>17 THE WITNESS: I saw the strikes. I don't</p> <p>18 know how many there were.</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. Based on what you saw in the video, would</p> <p>21 Lopera's use of strikes violate Metro's policy?</p> <p>22 MR. ANDERSON: Objection. Form.</p> <p>23 Go ahead.</p> <p>24 THE WITNESS: Depending on the suspect's</p> <p>25 level of resistance.</p>
Page 35	Page 37
<p>1 THE WITNESS: I know what both look</p> <p>2 like.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. And how do you know what both look like?</p> <p>5 A. When I see on -- when I'm watching UFC or</p> <p>6 any fights, and what I've learned in the Academy.</p> <p>7 Q. So your knowledge in terms of a rear naked</p> <p>8 choke comes from UFC?</p> <p>9 Let me rephrase the question.</p> <p>10 So your knowledge about what a rear naked</p> <p>11 choke is comes from UFC, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Sorry. And based on your observation of</p> <p>14 Lopera that evening, he appeared to you to be in an</p> <p>15 LVNR, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Having watched the Lopera video, is it your</p> <p>18 understanding that Lopera tased Tashi more than three</p> <p>19 times?</p> <p>20 A. Yes.</p> <p>21 Q. And that would violate Metro's policy; is</p> <p>22 that correct?</p> <p>23 MR. MCNUTT: Objection. Form.</p> <p>24 THE WITNESS: Yes.</p> <p>25</p>	<p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. So let's clarify that. If a suspect is</p> <p>3 demonstrating aggressive resistance, strikes are</p> <p>4 allowed, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Was Tashi showing the level of resistance</p> <p>7 that would allow strikes based on your review of the</p> <p>8 video?</p> <p>9 A. Are you referring to Officer Lopera's</p> <p>10 video?</p> <p>11 Q. Yes.</p> <p>12 A. I mean, I haven't seen it in so long, but I</p> <p>13 wasn't there, but based on the video, no.</p> <p>14 Q. "No" what?</p> <p>15 A. No, the strikes were not necessary.</p> <p>16 Q. Okay. An officer striking somebody on the</p> <p>17 head could be potentially deadly force; is that</p> <p>18 correct?</p> <p>19 MR. ANDERSON: Objection. Form.</p> <p>20 THE WITNESS: Potentially cause injury.</p> <p>21 BY MR. LAGOMARSINO:</p> <p>22 Q. When is striking a suspect allowed, in a</p> <p>23 general sense? Let's not talk about Tashi just for</p> <p>24 this question. In a general sense, when does Metro</p> <p>25 policy allow an officer to strike a suspect?</p>

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11 (Pages 38 to 41)

<p style="text-align: right;">Page 38</p> <p>1 A. During aggressive resistance of the</p> <p>2 suspect. If he shows an intent to do harm to the</p> <p>3 officer or others.</p> <p>4 Q. Have you seen anything in this case that</p> <p>5 indicates that Tashi was trying to do harm to the</p> <p>6 officer or to another person?</p> <p>7 A. Are you asking, reference the video again?</p> <p>8 Q. Yes.</p> <p>9 A. I mean, hindsight is 20/20, but not in the</p> <p>10 video I saw.</p> <p>11 Q. Are you able to estimate how much training</p> <p>12 you received on the LVNR in the Academy?</p> <p>13 A. I would estimate 40 hours.</p> <p>14 Q. And then since October 22nd of '15, how</p> <p>15 many hours would you estimate you've received of</p> <p>16 training on the LVNR?</p> <p>17 A. We do quarterly defensive tactics, but ten</p> <p>18 hours. I'm estimating right now.</p> <p>19 Q. Okay. When you do the quarterly defensive</p> <p>20 tactics training, does it include -- it only LVNR</p> <p>21 that you're receiving?</p> <p>22 A. No, it's not.</p> <p>23 Q. So did you receive LVNR training every time</p> <p>24 you received defensive tactics training since October</p> <p>25 of '15?</p>	<p style="text-align: right;">Page 40</p> <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. I'm not talking about the night of the</p> <p>3 evening, but in a general sense, an officer like</p> <p>4 yourself who may see a person unconscious and still</p> <p>5 in the LVNR is required by training to intervene; is</p> <p>6 that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Based on your training, what does intervene</p> <p>9 mean to you? Intervene or intercede, we'll use those</p> <p>10 interchangeably.</p> <p>11 A. If the officer observes a reasonable force,</p> <p>12 when it's safe to do so, they will verbal or physical</p> <p>13 intervention.</p> <p>14 Q. During the time that you were handcuffing</p> <p>15 Tashi, was Crumrine still by his feet?</p> <p>16 A. Yes.</p> <p>17 Q. Based on your recollection, when is the</p> <p>18 first time that Crumrine left the feet area of</p> <p>19 Tashi?</p> <p>20 A. I don't know.</p> <p>21 Q. Did you ever see him, in relation to Tashi,</p> <p>22 anywhere else on Tashi's body?</p> <p>23 A. No.</p> <p>24 Q. So you said loosen up, and then Lopera</p> <p>25 released the hold, right?</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Are you asking if I've done it every time?</p> <p>2 Q. Right. Have you received LVNR training</p> <p>3 every quarter since October of '15?</p> <p>4 A. Not every quarter.</p> <p>5 Q. How many hours of LVNR training would you</p> <p>6 estimate you've received -- and maybe I asked you</p> <p>7 this already, so let me just ask it again for</p> <p>8 context, and I'll start over.</p> <p>9 How many hours of LVNR training do you</p> <p>10 estimate you've received since October of 2015?</p> <p>11 A. Ten hours.</p> <p>12 Q. Is it your understanding, based on your</p> <p>13 training with Metro, that once a person is rendered</p> <p>14 unconscious by any type of a neck restraint,</p> <p>15 including the LVNR, that the person using the</p> <p>16 restraint must release the hold?</p> <p>17 MR. MCNUTT: Objection. Form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. LAGOMARSINO:</p> <p>20 Q. Is it your understanding that the failure</p> <p>21 to discontinue a hold in that situation constitutes</p> <p>22 excessive force, as you were trained?</p> <p>23 MR. MCNUTT: Objection. Form.</p> <p>24 MR. ANDERSON: Objection. Form.</p> <p>25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Yes.</p> <p>2 Q. What did you do next?</p> <p>3 A. We -- I checked to see if he had a pulse.</p> <p>4 He didn't. I conducted some sternal rubs to see if I</p> <p>5 could get any reaction out of him. Did some lower</p> <p>6 back taps. I called for medical immediately.</p> <p>7 Q. When you did that, was it clear to you that</p> <p>8 he wasn't breathing?</p> <p>9 A. Was it clear?</p> <p>10 Q. Yeah.</p> <p>11 A. He didn't have a pulse, but I don't have a</p> <p>12 medical background, but I wouldn't say it was clearly</p> <p>13 apparent that he wasn't breathing. I couldn't find a</p> <p>14 pulse, but I don't know.</p> <p>15 Q. Well, it was clear to you that he didn't</p> <p>16 have a pulse and he was unconscious, correct?</p> <p>17 A. Correct.</p> <p>18 Q. What's the purpose of doing pump strikes on</p> <p>19 the lower back?</p> <p>20 A. We were taught in the Academy it helps, I</p> <p>21 guess, wake the person up if they're unconscious.</p> <p>22 Q. And if they're not reviving as a result of</p> <p>23 those maneuvers, what's the next required step?</p> <p>24 A. Request medical.</p> <p>25 Q. Were you trained in your LVNR training that</p>

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12 (Pages 42 to 45)

Page 42

1 you're supposed to constantly monitor somebody who
2 has had LVNR applied to them if they've gone
3 unconscious?

4 A. Can you clarify "constantly monitor"?

5 Q. Well, what is your – let me restate the
6 question.

7 What is your understanding of your
8 obligation pursuant to your training when somebody
9 has had an LVNR applied to them and they're not
10 reviving?

11 A. Request medical.

12 Q. At Metro, were you trained on chest
13 compressions?

14 A. Yes.

15 Q. Were you trained that chest compressions or
16 CPR should be used immediately if somebody is not
17 reviving after an LVNR?

18 A. I don't recall that.

19 Q. Are you saying you weren't trained that
20 way, or you just don't recall?

21 MR. ANDERSON: Objection. Form.

22 THE WITNESS: I don't recall that being
23 said or – or one of the trainings on the LVNR.

24 BY MR. LAGOMARSINO:

25 Q. Did Lopera check to see if Tashi was

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1 BY MR. LAGOMARSINO:

2 Q. Officer Tran, do you understand you're
3 still under oath?

4 A. Yes.

5 Q. All right. Did you ever see Crumrine take
6 a pulse?

7 A. No.

8 Q. Did you ever see Crumrine tap Tashi's back?

9 A. No.

10 Q. Did you ever see Crumrine do a sternal rub?

11 A. No.

12 Q. And to be clear, you didn't see Lopera do
13 any of those things either; is that correct?

14 A. Correct.

15 Q. After you determined that Tashi was
16 unresponsive, how long did it take you to call
17 medical?

18 A. Immediately.

19 Q. And how did you go about calling medical?

20 A. Using my radio.

21 Q. And where were you when you called medical?

22 A. Still at the scene, or right next to Tashi.

23 Q. If you could please turn to Exhibit – go
24 to Exhibit 1, page 58.

25 MR. MCNUTT: 58?

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1 conscious, based on your recollection?

2 MR. ANDERSON: Objection. Form.

3 THE WITNESS: Did Lopera check?

4 BY MR. LAGOMARSINO:

5 Q. Yeah.

6 A. No.

7 Q. Did you have a recollection of ever seeing
8 Lopera check to see if he had a pulse?

9 A. Physically check?

10 Q. Correct.

11 A. No.

12 Q. Who sat Tashi up and tapped him on his back
13 along with yourself?

14 A. I don't recall that actually.

15 MR. LAGOMARSINO: Let's take a quick
16 five-minute break.

17 THE VIDEOGRAPHER: We're going off the
18 record at approximately 10:59 a.m.

19 (Ms. Farmer and Ms. Day left the
20 room.)

21 (A recess was taken from 10:59 a.m.
22 to 11:18 a.m.)

23 THE VIDEOGRAPHER: We're going back on the
24 record. The time is approximately 11:18 a.m.
25

Page 45

1 MR. LAGOMARSINO: Yes.

2 BY MR. LAGOMARSINO:

3 Q. So on the top of page 58, line 2, question:

4 "All right. How long did it take to get an ambulance
5 there?"

6 Answer: "I don't recall."

7 Question: "Estimate."

8 Answer: "Three minutes."

9 Question: "Pretty fast."

10 Answer: "Three to five. I don't know."

11 Is it about three to five minutes it took
12 the ambulance to get there, based on an estimate?

13 A. I believe so.

14 Q. During the time that you were waiting for
15 the ambulance – strike that.

16 Is it fair to say that after you did the
17 sternal rub, the taps on the back and checking for a
18 pulse and calling medical, that you didn't do
19 anything else with respect to Tashi?

20 A. Correct.

21 Q. Now, at some point after you called medical
22 and the time that medical arrived, another field
23 training officer arrived at the scene, correct?

24 A. Correct.

25 Q. And he performed chest compressions; is

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13 (Pages 46 to 49)

<p style="text-align: right;">Page 46</p> <p>1 that correct?</p> <p>2 A. Correct.</p> <p>3 Q. How long between the time you called</p> <p>4 medical and the time that that field training officer</p> <p>5 arrived?</p> <p>6 A. A minute.</p> <p>7 Q. Just estimating?</p> <p>8 A. I'm just estimating. I don't know.</p> <p>9 Q. Do you understand that to be Amburgey?</p> <p>10 A. Correct.</p> <p>11 Q. Do you know him personally?</p> <p>12 A. He was working out of my station.</p> <p>13 Acquaintance, coworkers.</p> <p>14 Q. Did you ever talk to him about this</p> <p>15 incident --</p> <p>16 A. No.</p> <p>17 Q. -- after the incident?</p> <p>18 A. I'm sorry.</p> <p>19 Q. The answer is no?</p> <p>20 A. No.</p> <p>21 Q. Watching the video from Lopera's body cam,</p> <p>22 did you see any attempt made by Tashi to hijack the</p> <p>23 truck?</p> <p>24 MR. ANDERSON: Objection. Form.</p> <p>25 THE WITNESS: Based off the video, no.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. All the statements that were said, I was</p> <p>2 not present during the -- when they were said.</p> <p>3 Q. Okay.</p> <p>4 A. I'm sorry, what's -- can you repeat the</p> <p>5 question?</p> <p>6 Q. Sure. So let's break it down a little bit.</p> <p>7 So you watched two videos, right?</p> <p>8 A. The Venetian camera one, and Lopera's</p> <p>9 body-worn camera, correct.</p> <p>10 Q. So the Venetian, just for the record, is</p> <p>11 the overhead surveillance, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And the Lopera body cam is his body camera?</p> <p>14 A. Yes.</p> <p>15 Q. Let's break it down a little bit. How does</p> <p>16 your memory of the events differ, if at all, from the</p> <p>17 Venetian surveillance?</p> <p>18 A. In my FIT statement, I stated that I</p> <p>19 couldn't get his arm free, and I looked down at</p> <p>20 Lopera and Tashi, and I observed Farmer unconscious.</p> <p>21 And I said, hey, let him go, he's -- or loosen up,</p> <p>22 he's out, loosen up.</p> <p>23 Now that I -- the night of, I recall -- I'm</p> <p>24 sorry. Let me step back.</p> <p>25 Q. As compared to the surveillance camera?</p>
<p style="text-align: right;">Page 47</p> <p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. You've been asked in your other deposition</p> <p>3 whether you've said the words, "Let him go, Ken." Do</p> <p>4 you recall that question?</p> <p>5 A. Yes.</p> <p>6 Q. And your answer is that that was not you,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Do you believe that to be Crumrine as you</p> <p>10 sit here today?</p> <p>11 A. Yes.</p> <p>12 Q. Now, when that statement was said, you were</p> <p>13 on the scene, correct?</p> <p>14 A. Are you referring to the video again?</p> <p>15 Q. Yeah.</p> <p>16 A. On the video I was not on scene.</p> <p>17 Q. Okay. All right. Did you ever talk to</p> <p>18 Officer Flores about having heard on the tape</p> <p>19 Officer Crumrine saying "Let him go"?</p> <p>20 A. No, I don't recall it.</p> <p>21 Q. How does the video differ from your memory?</p> <p>22 A. You're referring to Lopera's body-worn</p> <p>23 camera?</p> <p>24 Q. Well, the video that you watched, correct,</p> <p>25 the body-worn camera.</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Yeah. Now I know the surveillance camera.</p> <p>2 I handcuffed him first, and then looked down and saw</p> <p>3 that Tashi Farmer was unconscious. And I stated</p> <p>4 loosen up, loosen up, he's out.</p> <p>5 So those are the two differences.</p> <p>6 Q. Between what you remember and the Venetian</p> <p>7 surveillance?</p> <p>8 A. Correct.</p> <p>9 Q. Now, you've alluded to it before, but just</p> <p>10 so we have a clear record for the Court, what's your</p> <p>11 difference in memory from the body cam footage and</p> <p>12 your -- strike that.</p> <p>13 What's the difference between your memory</p> <p>14 of the incident and the body cam footage from Lopera?</p> <p>15 A. The same as the Venetian one.</p> <p>16 Q. Okay. Based on your recollection and</p> <p>17 review of the video surveillance and the body cam,</p> <p>18 after Officer Lopera released the hold on Tashi,</p> <p>19 Officer Lopera didn't do anything else with respect</p> <p>20 to Tashi; is that correct?</p> <p>21 A. What do you mean? Physically?</p> <p>22 Q. Correct.</p> <p>23 A. Physically, no.</p> <p>24 Q. From the time that you got to the scene</p> <p>25 with -- strike that.</p>

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* * * Videotaped Deposition * * *

14 (Pages 50 to 53)

Page 50	Page 52
<p>1 You got to the scene with Officer Flores, 2 correct? 3 A. Yes. 4 Q. You both exited the car at the same time. 5 A. Yes. 6 Q. From the time that you got to the scene 7 until the time that Lopera released the hold, did 8 Flores do anything whatsoever to intervene? 9 A. We were both focused on taking Farmer into 10 custody. 11 Q. So the answer is no? 12 MR. ANDERSON: Objection. Form. 13 BY MR. LAGOMARSINO: 14 Q. Let me rephrase. 15 So turn to page 77 in your deposition. 16 It's in the bottom right-hand corner. 17 And the question was, in line 17: "From 18 the time that you got there until the time that 19 Officer Lopera released the hold, did Flores do 20 anything whatsoever to intervene?" 21 And what was your answer at lines 20 and 22 21? 23 A. "No. We were trying to take him into 24 custody." 25 Q. Is that accurate?</p>	<p>1 recollection, we couldn't determine if it was a rear 2 naked or LVNR. We saw encircling arm. 3 Q. When did you have that conversation with 4 Officer Flores? 5 A. I don't know. 6 Q. Can you estimate? Within a month after the 7 incident? Three months? 8 A. Just definitely it was after our CIRT 9 review. 10 Q. Okay. And at the time that you gave your 11 FIT statement, you did believe that it was an LVNR, 12 correct? 13 A. It appeared to be an LVNR. 14 Q. Have you ever had the LVNR applied to you? 15 A. Yes. 16 Q. In training? 17 A. Yes. 18 Q. At the Academy? 19 A. Yes. 20 Q. Post Academy, have you ever had it applied 21 to you? 22 A. Yes. During our quarterly. 23 Q. And as part of the training, does Metro 24 allow you guys to be rendered unconscious? 25 A. No.</p>
Page 51	Page 53
<p>1 A. Yes. 2 Q. Now, going to the next page, from the time 3 that you got to the scene to the time that Lopera 4 released the hold, did you see Sergeant Crumrine do 5 anything to intervene in terms of getting Lopera to 6 release the LVNR? 7 A. From the time I got to the scene? 8 Q. To the time the hold was released. 9 A. Did Sergeant Crumrine ask to intervene? 10 Q. Yeah. 11 A. No. 12 Q. Can you please turn to page 82 of your 13 deposition. There is a question at line 4. It says, 14 "Okay. Did you ever have a conversation with Officer 15 Flores about whether or not the hold that Officer 16 Lopera had around the neck of Mr. Farmer-Brown was a 17 lateral vascular neck restraint or a rear naked choke 18 hold?" 19 And the answer, "We both agreed that we 20 didn't know what it was." 21 Where do you -- can you expand on that? 22 What are you trying to say there? 23 A. I forgot the lawyer's name, but he asked if 24 we discussed whether or not we knew it was an LVNR 25 rear naked choke, and we both, through our</p>	<p>1 Q. And why? 2 A. I don't know how to answer that question. 3 Q. Do you believe because it's too dangerous? 4 MR. MCNUTT: Objection to form. 5 MR. ANDERSON: Join. 6 THE WITNESS: You're asking my opinion on 7 it? 8 BY MR. LAGOMARSINO: 9 Q. Just your opinion. 10 A. I don't believe it's too dangerous, no. 11 Q. Then why doesn't Metro allow you guys to be 12 rendered unconscious? 13 A. I don't believe it serves the purpose of 14 training. 15 Q. How long did you have it applied to you 16 for? 17 A. Like? 18 Q. You had the LVNR applied to you. Would it 19 be ten seconds? Five seconds? Twenty seconds? 20 A. However long it takes my partner to learn 21 the training movement. 22 Q. And what level of LVNR did you have applied 23 to you? 24 A. All three levels. 25 Q. And since this incident, there's been a</p>

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15 (Pages 54 to 57)

Page 54

1 change in the policy regarding the use of the LVNR;
 2 is that correct?
 3 A. Yes.
 4 Q. What's the change?
 5 A. They moved the LVNR level one from low
 6 level control to intermediate force.
 7 Q. And were you trained as to why?
 8 A. Why the policy changed?
 9 Q. Right.
 10 A. No.
 11 Q. How were you notified that the policy
 12 changed?
 13 A. We have -- I don't know how to describe it.
 14 We have online policy releases that we have to review
 15 that are mandatory quarterly.
 16 Q. Did you agree with the change?
 17 A. Yes.
 18 Q. Do you receive a certification as part of
 19 your LVNR training?
 20 A. I do not.
 21 Q. Is there a certification available for
 22 LVNR, to your knowledge?
 23 A. I don't know.
 24 Q. Fair to say you're not LVNR certified; is
 25 that correct?

Page 55

1 A. I'm certified in LVNR through the Academy.
 2 I didn't receive -- are you saying receive a physical
 3 certification handed to me? I mean, I'm certified in
 4 driving the SUV, but I didn't receive a certified
 5 physical certification, if you will.
 6 Q. Okay. That's fair.
 7 Obviously, when you pass all your classes
 8 at the Academy you're approved to be a police
 9 officer, right?
 10 A. Correct.
 11 Q. Were there separate individual
 12 certifications that you've received since the
 13 Academy? Like are you crisis intervention trained
 14 certified, CIT?
 15 A. Yes. CIT certified.
 16 Q. That's a special certification, right?
 17 A. Yes.
 18 Q. Do you have a special certification for the
 19 LVNR like you have for CIT?
 20 A. I'm LVNR certified.
 21 Q. Okay. Is there a certificate that you get?
 22 A. I didn't receive a certificate.
 23 Q. How do you know you're LVNR certified?
 24 A. Because we trained the LVNR in the Academy,
 25 and we took a written exam on the LVNR, and I passed

Page 56

1 the exams.
 2 Q. Under your training, when a subject is not
 3 resisting, regardless of whether he's unconscious, an
 4 LVNR should not be applied, correct? Do you want me
 5 to rephrase it?
 6 A. Are you referring to this specific? Or
 7 I'm -- can you rephrase it? I'm sorry.
 8 Q. Yeah, let's talk in general. In general,
 9 if a suspect is not resisting after the LVNR has been
 10 applied --
 11 A. After, okay.
 12 Q. Okay? Regardless of whether he's conscious
 13 or not, the LVNR has to be stopped, correct?
 14 A. No.
 15 Q. All right. Can you please turn to page 89
 16 of your deposition.
 17 A. 80 what? I'm sorry.
 18 Q. I apologize. 89.
 19 So at line 13, it says, "What training have
 20 you received as to when to stop compression on a
 21 subject's neck?"
 22 What did you say?
 23 A. "When the subject's resistance is over and
 24 if he's unconscious."
 25 Q. And then the next question was, "Okay. So

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1 either he's not resisting or he's unconscious, in
 2 which case he's not resisting."
 3 And what was your answer?
 4 A. "Can be the same."
 5 Q. What training had you received prior to May
 6 of 2017 as to how to determine if a subject is
 7 unconscious?
 8 A. LVNR training.
 9 Q. Okay. So if the subject's eyes are closed,
 10 that's an indicator, correct?
 11 A. Correct.
 12 Q. What are some other indicators that the
 13 person is unconscious?
 14 A. He's not responding to verbal commands.
 15 Resistance levels.
 16 Q. Have you ever sued somebody before?
 17 A. I have not.
 18 Q. Have you ever been sued besides this case?
 19 A. I have not.
 20 Q. Are you aware of what your -- what facts
 21 you're admitting, denying with respect to Plaintiff's
 22 first amended complaint in the case?
 23 A. I'm not -- I don't understand the question.
 24 I'm sorry.
 25 Q. Do you know what an affirmative defense is?

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16 (Pages 58 to 61)

<p style="text-align: right;">Page 58</p> <p>1 A. No, I don't.</p> <p>2 Q. So fair to say you don't know what your</p> <p>3 affirmative defenses are in this case? If you don't</p> <p>4 know what --</p> <p>5 A. I don't know what the term means, no.</p> <p>6 Q. Okay. In watching Lopera's tape, did you</p> <p>7 hear him say the phrase or question, "Is he out yet?</p> <p>8 Is he out yet?"</p> <p>9 A. In watching the video?</p> <p>10 Q. Yes.</p> <p>11 A. Yes, I heard it.</p> <p>12 Q. As an officer, what do you understand he's</p> <p>13 trying to say?</p> <p>14 MR. ANDERSON: Objection. Form.</p> <p>15 THE WITNESS: If he put the -- if the</p> <p>16 subject was unconscious.</p> <p>17 BY MR. LAGOMARSINO:</p> <p>18 Q. Since Tashi wasn't resisting when he was</p> <p>19 being handcuffed, he should not have had a neck</p> <p>20 restraint on him; is that correct?</p> <p>21 MR. MCNUTT: Objection. Form.</p> <p>22 THE WITNESS: Can you repeat that?</p> <p>23 BY MR. LAGOMARSINO:</p> <p>24 Q. Sure. Can you please turn to page 90 of</p> <p>25 your deposition. So you were asked the question at</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. MCNUTT: Join.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. Do you agree that maintaining the hold,</p> <p>5 meaning the LVNR, beyond the time the subject of the</p> <p>6 LVNR loses consciousness can lead to physical</p> <p>7 complications? For example, the person can die?</p> <p>8 MR. ANDERSON: Objection. Form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 (Exhibit 3 was marked for</p> <p>11 identification.)</p> <p>12 BY MR. LAGOMARSINO:</p> <p>13 Q. I've handed you what's been marked as</p> <p>14 Exhibit 3. It looks like it's one, two, three --</p> <p>15 five photos.</p> <p>16 Do you have those in front of you?</p> <p>17 A. Yes.</p> <p>18 Q. And who is depicted in the first photo?</p> <p>19 A. Officer Lopera.</p> <p>20 Q. Does that appear to truly and accurately</p> <p>21 depict him from the night of the incident to you?</p> <p>22 A. Yes.</p> <p>23 Q. The second photo, does that also appear to</p> <p>24 be Officer Lopera from the night of the incident?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 59</p> <p>1 line 21, "So" -- we'll start back at line 18 on</p> <p>2 page 90: "Now, Mr. Farmer" --</p> <p>3 MR. MCNUTT: 90 or 91? I'm sorry.</p> <p>4 MR. LAGOMARSINO: Starting at page 90,</p> <p>5 line 18.</p> <p>6 BY MR. LAGOMARSINO:</p> <p>7 Q. The question was, "Now, Mr. Farmer wasn't</p> <p>8 resisting during any time that you were handcuffing</p> <p>9 him, right?"</p> <p>10 And your answer?</p> <p>11 A. "No."</p> <p>12 Q. Meaning that he was not resisting, correct?</p> <p>13 A. I didn't feel any resistance, no.</p> <p>14 Q. And at line 21, "So during the time you</p> <p>15 were handcuffing him, he should not have been having</p> <p>16 a neck restraint placed on his neck, right?"</p> <p>17 And what was your answer to that question?</p> <p>18 A. "I wasn't there. I don't know what</p> <p>19 transpired prior to my arrival. But based on the</p> <p>20 video, I believe -- I guess not."</p> <p>21 Q. Based on your training at Metro, did you</p> <p>22 know as of May 14 of 2017, that if the LVNR was not</p> <p>23 properly applied, the risk of severe injury</p> <p>24 increases?</p> <p>25 MR. ANDERSON: Objection. Form.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Truly and accurately depicts him?</p> <p>2 A. Yes.</p> <p>3 Q. Third photo, does that truly and accurately</p> <p>4 depict Officer Lopera from the night of the incident?</p> <p>5 A. Yes.</p> <p>6 Q. Fourth photo, does that truly and</p> <p>7 accurately depict Officer Lopera from the night of</p> <p>8 the incident?</p> <p>9 A. Yes.</p> <p>10 Q. Going to the fifth photo, what's depicted</p> <p>11 in the fifth photo?</p> <p>12 A. The scene.</p> <p>13 Q. Is that your vehicle in the right of the</p> <p>14 photo?</p> <p>15 A. This SUV to the right of it? No.</p> <p>16 Q. Do you know whose that was?</p> <p>17 A. I do not.</p> <p>18 Q. And does that appear to be Sergeant</p> <p>19 Crumrine's vehicle in the middle?</p> <p>20 MR. ANDERSON: Objection. Form.</p> <p>21 THE WITNESS: It was a vehicle -- it was a</p> <p>22 vehicle that was there when I pulled up. I believe</p> <p>23 it was Crumrine's, yes.</p> <p>24 BY MR. LAGOMARSINO:</p> <p>25 Q. Okay. Without respect -- strike that.</p>

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17 (Pages 62 to 65)

Page 62

1 Without respect to who was driving which
 2 vehicle, does that appear to truly and accurately
 3 reflect the scene of the incident after Tashi was
 4 taken away?
 5 A. Yes.
 6 Q. Were you wearing the same uniform as
 7 Officer Lopera that evening?
 8 A. Yes.
 9 Q. Based on your review of the photos, what
 10 weapons and other tools does Officer Lopera have on
 11 his belt? Let's start with the first page.
 12 A. You just want me to name what I'm seeing?
 13 Q. Yes, sir.
 14 A. From midline to the left, handcuffs, OC
 15 spray, his firearm. And then on the other side is
 16 magazines for his gun and his taser.
 17 Q. I'm going to the fourth page, what's
 18 depicted there?
 19 A. From left to right, his flashlight, his
 20 radio, his med kit, tourniquet, gloves in his back
 21 pocket, baton, firearm.
 22 Q. Did you also have a med kit like that?
 23 A. I did not.
 24 Q. What's in the med kit?
 25 A. That's his personal. I don't know.

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1 A. You initiate the lights and sirens of the
 2 patrol vehicle.
 3 Q. Were you talking to Officer Flores on the
 4 way to the incident?
 5 A. Yes. I don't recall what.
 6 Q. Do you recall if you guys were checking the
 7 MDT?
 8 A. I was driving.
 9 Q. Do you know if he was checking it?
 10 A. I believe so.
 11 Q. Did he tell you what was being revealed?
 12 A. No.
 13 Q. Now, at the time of the incident, you did
 14 not -- strike that.
 15 When you first got the call and you started
 16 to drive there, was it Metro's policy that you were
 17 supposed to activate your body camera at that time?
 18 A. Yes.
 19 Q. You did not do that; is that correct?
 20 A. Correct.
 21 Q. If you would have activated the camera, you
 22 would have been able to hear what you had discussed
 23 after 30 seconds of recording, correct?
 24 MR. ANDERSON: Objection. Form.
 25 THE WITNESS: Yes.

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1 Q. Does Metro require you guys to carry med
 2 kits?
 3 A. No. Not on our person.
 4 Q. Have you ever seen -- strike that.
 5 Have you seen other officers' med kit?
 6 A. With med kits? Yes.
 7 Q. Based on your observation, what's contained
 8 in those kits?
 9 A. I don't know. If I had to guess, bandages,
 10 blood clots and tourniquets, scissors.
 11 Q. Would you typically carry, like,
 12 antibacterial wipes on your person?
 13 A. Yes.
 14 Q. And just have those in your pocket?
 15 A. Yes.
 16 Q. Are you a defensive tactics instructor?
 17 A. No.
 18 Q. Are you CIT certified?
 19 A. Yes.
 20 Q. What was your call sign at the time of the
 21 incident?
 22 A. Link 1.
 23 Q. Sorry. I asked you that already.
 24 In your FIT statement you mention that you
 25 rode code. What does that mean?

Page 65

1 BY MR. LAGOMARSINO:
 2 Q. And Officer Flores did not activate his
 3 body camera, to your knowledge; is that correct?
 4 A. Correct.
 5 Q. Same question, if he would have activated
 6 his body camera, then we would have been able to hear
 7 what you guys were talking about after 30 seconds,
 8 correct?
 9 A. Yes.
 10 Q. At any point that evening, did you activate
 11 your body camera?
 12 A. Yes.
 13 Q. When did you activate it?
 14 A. After Farmer was taken into custody, I
 15 believe I turned it on.
 16 Q. Was your body cam activated when you were
 17 doing the back pats?
 18 A. I don't recall.
 19 Q. Do you regularly forget to turn on your
 20 body camera when you're supposed to?
 21 MR. ANDERSON: Objection.
 22 THE WITNESS: No.
 23 BY MR. LAGOMARSINO:
 24 Q. To your knowledge, has Officer Flores
 25 expressed to you that he regularly forgets to

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18 (Pages 66 to 69)

Page 66

1 activate his body camera?
 2 MR. ANDERSON: Objection. Form.
 3 THE WITNESS: He's never expressed -- we've
 4 never discussed that.
 5 BY MR. LAGOMARSINO:
 6 Q. It's never come up one way or the other,
 7 correct?
 8 A. Yes, correct. It's never come up.
 9 Q. What's the protocol on when you could turn
 10 off your body camera?
 11 A. When the scene is static, we can -- or if
 12 we're discussing with the other officers, we can
 13 deactivate the camera.
 14 Q. Why are you allowed to deactivate the
 15 camera when you're discussing a matter with the other
 16 officers?
 17 A. We're discussing police procedures that
 18 sometimes we don't -- we don't want the public to
 19 know, I suppose.
 20 Q. All right. We'll go to Exhibit 4.
 21 (Exhibit 4 was marked for
 22 identification.)
 23 BY MR. LAGOMARSINO:
 24 Q. Go ahead and just flip through Exhibit 4.
 25 My copy starts at 1937 and ends at 2006. Is that

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1 on your Use of Force Board?
 2 A. Captain Pelletier, Assistant Sheriff Kelly.
 3 It was a lot of people there.
 4 Q. Okay. And the -- how long did your Use of
 5 Force Board last?
 6 A. Two hours, three hours.
 7 Q. Were you in the room with everybody for
 8 about two or three hours?
 9 A. Yes.
 10 Q. After you were in the room, did the Board
 11 go to deliberate, to your knowledge?
 12 A. Did they leave?
 13 Q. To go meet about your case.
 14 A. I don't recall.
 15 Q. How were you presented with the Board's
 16 findings?
 17 A. PowerPoint.
 18 Q. So just to be clear, was it CIRT that
 19 presented the PowerPoint?
 20 A. Yes.
 21 Q. And who was presenting for CIRT?
 22 A. Kasey Kirkegard.
 23 Q. And who was sitting with you at the Board?
 24 A. My union rep.
 25 Q. Did you also have an attorney?

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1 what you have in front of you?
 2 A. Yes.
 3 Q. Does this appear to be a true and correct
 4 copy of your CIRT statement?
 5 A. Yes.
 6 Q. It was alleged -- strike that.
 7 Was it alleged against you that you failed
 8 to intervene properly in Tashi's case?
 9 A. Yes.
 10 Q. And who alleged that?
 11 A. CIRT.
 12 Q. It was also alleged that you failed to
 13 activate your body-worn camera, correct?
 14 A. Yes.
 15 Q. Do you know who was on the CIRT team that
 16 was investigating you?
 17 A. The officers on this statement.
 18 Q. Okay. So Hughes, Bledsoe, Ward and Hamm?
 19 A. Hamm was my representative. Kirkegard was
 20 the interviewing officer.
 21 Q. Okay. Do you remember who was on your
 22 Use of Force Board?
 23 A. I do not.
 24 Q. Do you remember -- maybe you don't remember
 25 by name, but do you remember by rank or title who was

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1 A. No.
 2 Q. At the Board, was your union rep Hamm?
 3 A. It was not.
 4 Q. Who was it?
 5 A. I can't remember his name.
 6 Q. Brian Yant?
 7 A. Yes. Yes, Brian Yant.
 8 Q. And did he make statements on your behalf?
 9 A. I don't believe so. I don't recall.
 10 Q. Now, in this statement it says you waived
 11 48 hours notice. What's 48 hour notice, to your
 12 knowledge?
 13 A. I believe it's a time frame to allow me to
 14 speak with a rep or a lawyer.
 15 Q. And you attempted to be truthful in this
 16 interview; is that correct?
 17 A. Yes.
 18 Q. Did you talk to anybody else involved in
 19 the Tashi incident after the incident about the
 20 incident?
 21 A. I don't recall.
 22 Q. Are you on any social media applications?
 23 A. Yes.
 24 Q. Which social media applications have you
 25 been on since May 14th of 2017?

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19 (Pages 70 to 73)

Page 70

1 A. Facebook, Instagram.
 2 Q. Snapchat?
 3 A. Yeah. I have it.
 4 Q. WhatsApp?
 5 A. No.
 6 Q. The date of your CIRT statement was
 7 5/19/17, which is about five days after the incident,
 8 correct?
 9 A. Yes.
 10 Q. All right. Now, going to page 12 of your
 11 CIRT statement, at lines 13 through 21, did you
 12 describe to CIRT that you saw the officer laying on
 13 top of the suspect, which is Tashi Farmer?
 14 MR. MCNUTT: Objection. Form.
 15 THE WITNESS: Yes.
 16 BY MR. LAGOMARSINO:
 17 Q. And going to page 13, you were asked did it
 18 appear as though they were taking the subject into
 19 custody. And your answer was no, correct?
 20 A. Yes.
 21 Q. Starting at the end of page 12, last line,
 22 starts with "While you were running." It says, "When
 23 you noticed that he was laying on top of the suspect,
 24 was there any verbal commands being given?" And what
 25 was your answer?

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1 A. "I don't recall."
 2 Q. As you sit here today, do you recall verbal
 3 commands being given to Tashi after you arrived?
 4 A. No.
 5 Q. As a police officer, if you were trying to
 6 get a suspect to do something, are verbal commands
 7 the proper way to do that?
 8 A. Yes.
 9 Q. Was any kind of in-custody plan
 10 communicated to you when you arrived on the scene by
 11 Crumrine or Lopera or Flores?
 12 A. No. It was too dynamic of a scene to
 13 formulate a plan.
 14 Q. Now, there's been some discussion about
 15 Tashi's arm being wedged between his body and Lopera.
 16 I just want to make it clear, did it appear that he
 17 was intentionally wedging his arm between him and
 18 Lopera?
 19 A. When you say "he," Farmer?
 20 Q. Yeah.
 21 A. Intentionally? I know it was wedged
 22 between, I don't know if it was him wedging it.
 23 Q. Okay. All right. Going to page 18. So
 24 the question at line 6 from Kirkegard: "Okay, and I
 25 don't mean to -- we're gonna really break -- break

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1 this down. So I apologize if we're taking baby
 2 steps. Um, when you first run up, where do you stand
 3 compared to the officer, subject to the sergeant?"
 4 What is your answer at line 9?
 5 A. "So they're laying against, like a -- like
 6 a -- like a wall, a barrier wall."
 7 Q. So were they physically up against the wall
 8 or near it?
 9 A. Both. They were pretty close to it.
 10 Q. Okay. So you went towards Tashi's torso,
 11 correct?
 12 A. Correct.
 13 Q. Why did you go towards his torso?
 14 A. Because Sergeant Crumrine was by his feet
 15 and Mr. Farmer's arms are mid torso. It's where I
 16 want to be to take him into custody.
 17 Q. Okay. And you were asked at line -- at
 18 page 19 of your CIRT statement. It says, line 4,
 19 "Um, did it appear as though the LVNR was around the
 20 throat, as you're saying, was applied properly?"
 21 And what was your answer?
 22 A. "I don't know."
 23 Q. At the time, did you assess whether he was
 24 properly applying the LVNR?
 25 A. At the time I was on scene?

Page 73

1 Q. Correct.
 2 A. No.
 3 Q. Have you ever gone back and looked at the
 4 video to make an assessment as to whether he was
 5 properly applying the LVNR?
 6 A. I was shown the video, but I wasn't -- no.
 7 Q. At any time after you got to the scene, do
 8 you have any recollection of Tashi being conscious?
 9 A. No.
 10 Q. Did you observe Lopera make any adjustments
 11 to his LVNR other than releasing the LVNR after you
 12 said loosen up?
 13 A. No.
 14 Q. At page 22 you were asked, it says, "Um,
 15 also into the body-worn camera of Lopera at the
 16 timestamp of 4:08." Sorry, I'll start over.
 17 At line 14.
 18 A. Okay.
 19 Q. "Officer Flores? Um, also into the
 20 body-worn camera of Lopera at the timestamp of 4:08,
 21 someone is heard saying 'Loosen up. Loosen up.'
 22 Was that you?"
 23 And what was your answer?
 24 A. "Yes."
 25 Q. And you were asking to loosen up because

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20 (Pages 74 to 77)

Page 74	Page 76
<p>1 you observed him to be out, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And then did you say "somebody grab his</p> <p>4 left arm" or "grab his left arm"?</p> <p>5 A. Is that on a page you're asking me to refer</p> <p>6 to?</p> <p>7 Q. Well, my notes say it is. Let me see here.</p> <p>8 All right. I'm sorry. So at line 9, it</p> <p>9 says, "And also, then, review of Officer Lopera's</p> <p>10 body-worn camera, it's also -- we can hear someone</p> <p>11 state 'grab his left arm' giving direction. Is that</p> <p>12 you?"</p> <p>13 And what was your answer?</p> <p>14 A. "Yes."</p> <p>15 Q. Who were you directing to grab his left</p> <p>16 arm?</p> <p>17 A. Officer Flores.</p> <p>18 Q. Did Flores follow your direction?</p> <p>19 A. Yes.</p> <p>20 Q. After Farmer was cuffed, was he placed in a</p> <p>21 face-down position?</p> <p>22 A. No.</p> <p>23 Q. Did he end up in a face-down position?</p> <p>24 A. I don't recall.</p> <p>25 Q. Do you recall somebody -- strike that.</p>	<p>1 then I don't believe so.</p> <p>2 BY MR. LAGOMARSINO:</p> <p>3 Q. Okay. You called for medical, correct?</p> <p>4 A. Yes.</p> <p>5 Q. But you did not expedite medical, correct?</p> <p>6 MR. ANDERSON: Objection. Form.</p> <p>7 THE WITNESS: I believe I called for</p> <p>8 medical, and when I realized the severity of the</p> <p>9 incident, I had medical expedite.</p> <p>10 BY MR. LAGOMARSINO:</p> <p>11 Q. All right. Can you please turn to page 26</p> <p>12 of your CIRT statement.</p> <p>13 All right. So we'll start at line 1. I'll</p> <p>14 do the KK and then you can be MT.</p> <p>15 So "Did you call for medical over the</p> <p>16 radio?"</p> <p>17 A. "I did."</p> <p>18 Q. "Do you recall if you asked for them to</p> <p>19 expedite?"</p> <p>20 A. "Um, no, I don't -- I don't recall, but</p> <p>21 I -- I didn't -- I don't think I did, no."</p> <p>22 Q. "Didn't?"</p> <p>23 A. "I did not."</p> <p>24 Q. "Ask for ex-?"</p> <p>25 A. "I did not ask for expedite, no."</p>
Page 75	Page 77
<p>1 At any time do you recall Farmer being on</p> <p>2 his stomach while in handcuffs?</p> <p>3 A. No, I don't recall.</p> <p>4 Q. Would it be proper if a suspect or a</p> <p>5 subject was face down or stomach down in handcuffs</p> <p>6 behind him to then push his legs up to where his</p> <p>7 heels are going to hit near his buttocks?</p> <p>8 MR. ANDERSON: Objection. Form.</p> <p>9 THE WITNESS: I'm sorry, if he's on his</p> <p>10 stomach?</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. Right.</p> <p>13 A. In handcuffs, would it be reasonable to</p> <p>14 push his legs to his buttocks?</p> <p>15 Q. Right.</p> <p>16 A. For what reason?</p> <p>17 Q. For any reason.</p> <p>18 A. If the subject is still resisting, we could</p> <p>19 cross his legs and restrain him from fighting us.</p> <p>20 Q. And do you understand that that could</p> <p>21 present a risk of positional asfixiation?</p> <p>22 MR. ANDERSON: Objection. Form.</p> <p>23 THE WITNESS: I believe if there's officers</p> <p>24 on top of his -- on top of the subject, correct. But</p> <p>25 if we're just restraining his legs and nothing else,</p>	<p>1 Q. "Okay. But you did ask for medical, just</p> <p>2 not to expedite?"</p> <p>3 A. "Yes."</p> <p>4 Q. Do you recall anywhere else in your CIRT</p> <p>5 statement where you said, as you just testified, that</p> <p>6 you later asked to expedite?</p> <p>7 MR. ANDERSON: Objection. Form. Misstates</p> <p>8 testimony.</p> <p>9 Go ahead.</p> <p>10 THE WITNESS: I don't recall in this</p> <p>11 statement.</p> <p>12 BY MR. LAGOMARSINO:</p> <p>13 Q. To you, is there a difference between CPR</p> <p>14 and chest compressions?</p> <p>15 A. To me? No.</p> <p>16 Q. After you determined that Tashi didn't have</p> <p>17 a pulse, did you observe others try to take his</p> <p>18 pulse?</p> <p>19 A. Yes.</p> <p>20 Q. And did you ask Officer Rybacki if Tashi</p> <p>21 had a pulse?</p> <p>22 A. Yes.</p> <p>23 Q. And what did Officer Rybacki tell you?</p> <p>24 A. He shook his head no.</p> <p>25 Q. As part of your kinesiology degree, did you</p>

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21 (Pages 78 to 81)

Page 78	Page 80
<p>1 receive any medical training at all?</p> <p>2 A. Nothing formal, no.</p> <p>3 Q. Did you ever take a class involving trauma</p> <p>4 and illness?</p> <p>5 A. I believe so, yeah.</p> <p>6 Q. Is that Kinesiology 150 at UNLV?</p> <p>7 A. You had to be a sports injury or a basic</p> <p>8 EMT.</p> <p>9 Q. What triggered you to turn your body cam</p> <p>10 on?</p> <p>11 A. Since the scene was static, the first thing</p> <p>12 I remembered was I needed to turn my body camera on.</p> <p>13 Q. When did the scene become static to you?</p> <p>14 A. After Mr. Farmer was placed into handcuffs.</p> <p>15 Q. How long have you been using a body cam?</p> <p>16 Let me strike that.</p> <p>17 Before May of 2017, how long had you been</p> <p>18 using a body cam?</p> <p>19 A. Since November of 2014.</p> <p>20 Q. Can you give an estimate as to the total</p> <p>21 amount of hours you've had training on body cam?</p> <p>22 A. I mean, since November until May. I mean,</p> <p>23 I don't know how many months that is. Six months --</p> <p>24 six months.</p> <p>25 Q. Okay. Six months' worth of training on the</p>	<p>1 BY MR. LAGOMARSINO:</p> <p>2 Q. Did you take a pulse by accident? Like you</p> <p>3 knew when you were placing your hand on his neck that</p> <p>4 you were checking his pulse, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Was there anything else that you did that</p> <p>7 night by accident, or did you just act according to</p> <p>8 your training?</p> <p>9 A. It was according to training.</p> <p>10 Q. Had you ever socialized with Lopera before</p> <p>11 this incident?</p> <p>12 A. No.</p> <p>13 Q. When you got to the scene, it did not</p> <p>14 appear to you that the officers were struggling; is</p> <p>15 that correct?</p> <p>16 MR. MCNUTT: Objection. Form.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MR. LAGOMARSINO:</p> <p>19 Q. It's not correct?</p> <p>20 A. No, they were not -- no, there was no</p> <p>21 struggle.</p> <p>22 Q. Are you familiar with the phrase "shrimping</p> <p>23 out"?</p> <p>24 A. Yes.</p> <p>25 Q. What does "shrimping out" mean?</p>
Page 79	Page 81
<p>1 body cam?</p> <p>2 A. Of using the body cam.</p> <p>3 Q. Prior to May of '17 you had used your</p> <p>4 body cam in stressful situations before; is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you were trained on the policy to turn</p> <p>8 on your body cam while you were driving code; is that</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And I don't mean this to be offensive, I've</p> <p>12 asked this of the other witness: Have you ever been</p> <p>13 diagnosed with a hearing problem?</p> <p>14 A. No.</p> <p>15 Q. That night or morning with Tashi, did you</p> <p>16 do anything by accident?</p> <p>17 A. Accident?</p> <p>18 Q. Let me rephrase.</p> <p>19 Do you believe you knew what you were doing</p> <p>20 at all times?</p> <p>21 MR. ANDERSON: Objection. Form.</p> <p>22 THE WITNESS: Maybe not -- I mean, checking</p> <p>23 for a pulse, I don't believe I was an expert at</p> <p>24 finding a pulse. I didn't know if it was adrenaline</p> <p>25 or...</p>	<p>1 A. We were taught that in the Academy,</p> <p>2 defensive tactics, that if there's a subject or</p> <p>3 suspect on top of you, to scoot away or frame the</p> <p>4 suspect away from you and scoot your hips out to</p> <p>5 escape.</p> <p>6 Q. Did you see anybody shrimping out that</p> <p>7 night?</p> <p>8 A. No.</p> <p>9 Q. Are you able to give an estimate as to how</p> <p>10 many seconds passed from the time you started</p> <p>11 interacting with Tashi until the time you saw his</p> <p>12 right arm?</p> <p>13 A. So the time I arrived until I got his right</p> <p>14 arm?</p> <p>15 Q. Yeah.</p> <p>16 A. 15, 20 seconds.</p> <p>17 Q. As an officer, is there a policy, to your</p> <p>18 knowledge, one way or the other of officers cursing</p> <p>19 at suspects?</p> <p>20 A. I know we're not supposed to. I don't know</p> <p>21 if there's a specific policy.</p> <p>22 Q. Why are you not supposed to?</p> <p>23 A. Just not polite.</p> <p>24 Q. Do you know what the word "animus" means?</p> <p>25 A. No, I do not.</p>

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22 (Pages 82 to 85)

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1 Q. Had you ever trained with Lopera before?
 2 A. No.
 3 Q. All right. Going to page 66 of your CIRT
 4 statement. So question at line 14: "Okay, looking
 5 back on this incident, is there anything you would
 6 have done differently?" And what was your answer at
 7 line 16?
 8 A. "I should've started a CPR."
 9 Q. And why did you say that?
 10 A. In hindsight, when I realized Farmer passed
 11 away, I should have started CPR.
 12 Q. And was that right when you determined that
 13 he had no pulse?
 14 A. Yes.
 15 MR. LAGOMARSINO: All right. Take our
 16 lunch break. We'll go off the record.
 17 THE VIDEOGRAPHER: We're going off the
 18 record at approximately 12:17 p.m.
 19 (A recess was taken from 12:17 p.m.
 20 to 1:18 p.m.)
 21 THE VIDEOGRAPHER: We're going back on the
 22 record. The time is approximately 1:18 p.m.
 23 BY MR. LAGOMARSINO:
 24 Q. Do you understand you're still under oath?
 25 A. Yes.

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1 tell?
 2 A. No.
 3 Q. And you did not ask Lopera what level of
 4 LVNR Tashi was in, correct?
 5 A. No.
 6 Q. That's correct, right?
 7 A. Correct. I did not.
 8 Q. Sorry.
 9 A. Sorry.
 10 Q. How many times have you personally used the
 11 LVNR in the field?
 12 A. I've never used it.
 13 Q. Have you had the opportunity to use it and
 14 chose not to?
 15 A. No.
 16 Q. You're post certified, correct?
 17 A. Yes.
 18 Q. What was the outcome of your review board?
 19 A. I was sustained for not having – turning
 20 on my body camera.
 21 Q. And on the charge for failure to intervene,
 22 what happened with that?
 23 A. They didn't find any violation of the duty
 24 to intervene.
 25 Q. The board excused your conduct with respect

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1 Q. Before May 14 of 2017, you had been trained
 2 on the duty to intervene, correct?
 3 A. Yes.
 4 Q. And you knew that if another officer was
 5 violating the constitutional rights of a citizen,
 6 that you had to intervene to stop that, correct?
 7 A. Yes.
 8 Q. And that would include even if there was an
 9 officer that was senior in rank to you, you would
 10 have a duty to intervene, correct?
 11 A. Yes.
 12 Q. Now, at the point that you observed Tashi
 13 to be in LVNR, you did not know why Lopera put him in
 14 an LVNR, correct?
 15 A. Correct.
 16 Q. Based on your knowledge, what level of
 17 resistance would Tashi have had to have exhibited in
 18 order to allow Officer Lopera to use the LVNR on him?
 19 A. Aggressive.
 20 Q. There are how many levels of the LVNR?
 21 A. Three.
 22 Q. Could you tell at that time what level
 23 Lopera was using?
 24 A. No.
 25 Q. Even after watching the video, could you

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1 to the intervening, correct?
 2 A. Correct.
 3 Q. How did you find out about the decision?
 4 A. At the review board.
 5 Q. Did they announce it verbally?
 6 A. I believe so, yeah.
 7 Q. Did anybody testify at the proceeding?
 8 A. As in answer questions?
 9 Q. Yes.
 10 A. I did. Officer Crumrine, Officer Flores,
 11 Officer Lift.
 12 Q. What's Lift's first name?
 13 A. Ashley.
 14 Q. Are there two Lifts, to your knowledge?
 15 A. I don't know. No.
 16 Q. Do you know what documents were introduced
 17 at the review board?
 18 A. I can't remember. I don't recall.
 19 Q. There was a PowerPoint?
 20 A. Yes.
 21 Q. What were the consequences for the body
 22 camera issue for you?
 23 A. Contact – a written contact.
 24 Q. What does that mean?
 25 A. That your sergeant spoke to you about

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23 (Pages 86 to 89)

Page 86	Page 88
<p>1 operating your body camera, or -- the policy I 2 violated basically. 3 Q. And does that -- is that in writing or a 4 verbal? 5 A. It's in writing. 6 Q. And does that get removed from your file 7 after a certain amount of time? 8 A. A year. 9 Q. One year? 10 Do you wear corrective lenses? 11 A. Correct, yes. 12 Q. Were you wearing them that night? 13 A. Yes. 14 (Exhibit 5 was marked for 15 identification.) 16 BY MR. LAGOMARSINO: 17 Q. I'm handing you Exhibit 5, which is marked 18 P000052. It's a page from the autopsy report, 19 Alane M. Olson, M.D. 20 It says, "Cause of death: It is my opinion 21 that this 40-year-old black male, Tashii S. Brown, 22 died as a result of asphyxia due to police restraint 23 procedures." 24 Do you know of any reason -- strike that. 25 Do you disagree with that opinion?</p>	<p>1 rep with respect to this incident? 2 A. He was at my Use of Force Board. This 3 attorney was there the night of the incident. 4 Q. Okay. Did you talk to Bryan Yant before 5 the Use of Force Board? 6 A. No. 7 Q. Did you talk to him after? 8 A. After the Use of Force, yes. 9 Q. Okay. Did he advise you on certain things? 10 A. No. 11 Q. What did you talk to him about? 12 A. I don't recall. I mean, we talked 13 afterwards. 14 Q. And I don't want to misstate your 15 testimony, but did you state earlier that he spoke on 16 your behalf at the Use of Force Board? 17 A. He spoke for me, no. 18 Q. Did he speak about you? 19 A. I don't recall. I mean, he was my union 20 rep at the time. 21 Q. Do you recall him speaking at all? 22 A. Yes. 23 Q. And do you recall what he spoke about? 24 A. I don't, no. 25 Q. Did he speak to the Board in your presence?</p>
Page 87	Page 89
<p>1 MR. ANDERSON: Objection. Form. 2 THE WITNESS: I don't know enough to agree 3 or disagree. 4 (Exhibit 6 was marked for 5 identification.) 6 BY MR. LAGOMARSINO: 7 Q. Have you ever seen Exhibit 6 before? 8 A. No. 9 Q. This is the force investigation team 10 report. It is 35 pages. 11 I'm sorry, you said you may have? 12 A. I have never seen this, no. 13 Q. So I'll just ask a couple of questions 14 here. 15 Going to page 4 of 35. You list persons 16 involved here: Kenneth Lopera, Travis Crumrine, 17 Tashi Farmer. 18 You were also involved, correct? 19 A. Correct. 20 Q. Going to the next page, page 5 of 35. I 21 see where it says Collective Bargaining Associations. 22 A. Yes. 23 Q. So it shows Officer Bryan Yant, correct? 24 A. Yes. 25 Q. As you mentioned before, he was your union</p>	<p>1 A. Yes. 2 (Exhibit 7 was marked for 3 identification.) 4 BY MR. LAGOMARSINO: 5 Q. Did you know Bryan Yant's history with 6 officer-involved shootings? 7 A. Yes. 8 Q. I've handed you what's been marked as 9 Exhibit 7. It's an article from the Las Vegas 10 Review-Journal, September 21st, 2014, titled 11 Las Vegas Cop Behind Controversial Killing Now 12 Influential Union Leader. 13 The first sentences reads: "Detective 14 Bryan Yant was the face of incompetence at the 15 Metropolitan Police Department, a poster child for 16 wrongful shooting deaths and million-dollar payouts, 17 a driving force behind sweeping reforms to the 18 agency's deadly force policies." 19 Did you view him in that way? 20 A. No. 21 MR. ANDERSON: Object to the form. 22 BY MR. LAGOMARSINO: 23 Q. Then it says: "In other cities, an officer 24 who kills an unarmed man under suspicious 25 circumstances and is accused of lying to cover his</p>

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24 (Pages 90 to 93)

<p style="text-align: right;">Page 90</p> <p>1 tracks might be prosecuted. In Las Vegas, Yant kept</p> <p>2 his job. And he's taken on a job that will make him</p> <p>3 more influential at Metro."</p> <p>4 It says, "Part of Yant's duties include</p> <p>5 advising officers in police shootings."</p> <p>6 Did Yant advise you at any time of</p> <p>7 anything?</p> <p>8 A. Officer Yant was only at my Use of Force</p> <p>9 Board. He was not there the night of the incident.</p> <p>10 Q. Did he ever advise you as to your rights at</p> <p>11 the Use of Force Board or what to expect?</p> <p>12 A. He told me the process, yes.</p> <p>13 Q. It says, "He's a huge asset to the union,</p> <p>14 Collins said. Bryan Yant lived through the hell of</p> <p>15 being in a police shooting."</p> <p>16 Then the next page it says, quote: "When</p> <p>17 he goes out in these situations, he can tell somebody</p> <p>18 that's like biting a shit sandwich. You're not going</p> <p>19 to like it, but you'll get through it."</p> <p>20 Did he say something like that to you or</p> <p>21 something to that effect?</p> <p>22 A. No.</p> <p>23 Q. It says, "Yant has more experience with</p> <p>24 police shootings than just about everyone at Metro."</p> <p>25 Is that your understanding?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. No.</p> <p>2 Q. It says, "Two years later, he shot and</p> <p>3 wounded Melvin Gilchrist after mistaking a baseball</p> <p>4 bat for a gun."</p> <p>5 Did you know about that incident?</p> <p>6 A. No.</p> <p>7 Q. It says, "Both shootings had significant</p> <p>8 problems, with Yant's version of the events failing</p> <p>9 to match either evidence at the scene or witness</p> <p>10 testimony."</p> <p>11 And then the article goes into the shooting</p> <p>12 of Trevon Cole.</p> <p>13 Did you ever hear about the shooting of</p> <p>14 Trevon Cole?</p> <p>15 A. Yes.</p> <p>16 Q. When did you first hear about that?</p> <p>17 A. Around the same time of Officer Yant's</p> <p>18 officer-involved shootings.</p> <p>19 Q. Did you ask Officer Yant about his</p> <p>20 officer-involved shootings?</p> <p>21 A. No.</p> <p>22 Q. Going back to the FIT report. So going to</p> <p>23 page 10 of 35. So I think you are aware of this, but</p> <p>24 I'll just make it clear for the record. The times</p> <p>25 here are the times on Officer Lopera's body cam. If</p>
<p style="text-align: right;">Page 91</p> <p>1 A. I didn't -- no, I don't know anything about</p> <p>2 that.</p> <p>3 Q. It says, "Most police officers never fire</p> <p>4 their weapons, but Yant shot three people, killing</p> <p>5 two men and wounding a third, in his first ten years</p> <p>6 on the job."</p> <p>7 At the time that he was with you at the Use</p> <p>8 of Force Board, do you know his history in that</p> <p>9 regard?</p> <p>10 A. No.</p> <p>11 Q. It says, "He shot and killed Richard Travis</p> <p>12 Brown after a foot pursuit in 2001."</p> <p>13 Did you know about that incident?</p> <p>14 A. Not at the time, no.</p> <p>15 Q. When did you first learn about that</p> <p>16 incident?</p> <p>17 A. I didn't know Officer Yant's history until</p> <p>18 way after the Use of Force. I don't know a time</p> <p>19 frame. Months later.</p> <p>20 Q. Who told you about his history?</p> <p>21 A. To be frank, I don't know. It was just</p> <p>22 brought up.</p> <p>23 Q. After you learned, did you learn that he</p> <p>24 had killed Richard Travis Brown, who I think was also</p> <p>25 called the Candy Bar Robber?</p>	<p style="text-align: right;">Page 93</p> <p>1 you could go to page 7.</p> <p>2 I'll just read it. It says, "Officer</p> <p>3 Lopera was wearing a body-worn camera at the time of</p> <p>4 the incident. The camera was activated at 00:54:14</p> <p>5 on 5/14/17. The camera was collected by Sergeant</p> <p>6 MacDonald and secured. The video footage captured</p> <p>7 was later viewed by detectives."</p> <p>8 And then it says, "Officer Lopera's camera</p> <p>9 footage depicted the following."</p> <p>10 So that's going to be seconds to the right</p> <p>11 of the colon and then minutes to the left of the</p> <p>12 colon. Okay?</p> <p>13 A. Okay.</p> <p>14 Q. All right. So it says -- going back to</p> <p>15 page 10, at 3 minutes 25 seconds in, it says:</p> <p>16 "Officer Tran arrived and said, "Let him go, Ken."</p> <p>17 I know you've already stated that you did</p> <p>18 not say "Let him go, Ken," but do you dispute that</p> <p>19 that's the time that you arrived, or do you know?</p> <p>20 A. I didn't arrive at that time because I</p> <p>21 never said, "Let him go, Ken."</p> <p>22 Q. Okay. And I'm aware of your testimony that</p> <p>23 you said -- and I think Officer Crumrine said the</p> <p>24 same thing, that he said, "Let him go, Ken."</p> <p>25 My question is not whether you said it, but</p>

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25 (Pages 94 to 97)

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1 do you know if you were there when it was said?
2 A. I don't recall hearing any of this
3 conversation when I arrived, so I don't believe I was
4 there.

5 Q. Now, two seconds later, it says, "Officer
6 Lopera stated, 'Roll him to -- hold on. Don't grab
7 my fucking legs.'"

8 You do have a recollection of that,
9 correct?

10 A. Correct. That I remember.

11 Q. So at least as of two seconds after the
12 "Let him go, Ken," you were there, correct?

13 A. I do recall him say, "Don't grab my fucking
14 legs." So you're asking me, I was there at that
15 moment?

16 Q. You were there when he said, "Don't grab my
17 fucking legs," right?

18 A. Correct.

19 Q. And then it says, "Officer Tran stated
20 'We're on top of him.'"

21 Did you say that, or do you know?

22 A. I don't recall saying that.

23 Q. And not to suggest -- I'm just trying to
24 make a clear record. You don't recall saying it, or
25 you don't know if you said it, or you just deny

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1 reviewing video footage?

2 A. Well, the line, "When Officer Lopera
3 loosened up on the LVNR, Farmer was able to be placed
4 in handcuffs," to this day now, I realize he was
5 placed in handcuffs, and then I said loosen up. And
6 I observed Farmer unconscious, and I said loosen up.

7 Q. So when you placed him in the handcuffs, he
8 was still in the LVNR, and that's when you said
9 loosen up?

10 A. Correct. After I had the -- I placed the
11 handcuffs on Mr. Farmer. I looked down and observed
12 he was unconscious. I told Officer Lopera to loosen
13 up, and he released the hold.

14 Q. Are you familiar with the term "rescue
15 breathing"?

16 A. I'm not.

17 (Exhibit 8 was marked for
18 identification.)

19 BY MR. LAGOMARSINO:

20 Q. Exhibit 8 is just an article that we
21 printed from online. It looks like it's written by
22 somebody who says they're an EMT.

23 But I want to go ahead and ask you if you
24 agree or disagree with some of the statements in
25 here, okay?

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1 saying it?

2 A. More -- I'm leaning more towards I don't
3 recall, and I deny saying it as well.

4 Q. Okay. Can you please turn to page 25 of
5 35. Go ahead and -- do you have a pen there still?

6 A. Yes.

7 Q. So there's a summary written by whoever
8 wrote this document of what you said in a recorded
9 statement. We can probably go to the recorded
10 statement to verify, but what I would like to have
11 you do is read this to yourself, and then underline
12 anything that you feel is inaccurate under your name.

13 A. So this paragraph?

14 Q. Yes, sir.

15 A. This appears accurate.

16 MR. ANDERSON: Could I just clarify, Andre.
17 Are you asking him whether this is accurate as to
18 what he told FIT, or whether it's accurate as to his
19 memory today? Does that make sense?

20 MR. LAGOMARSINO: Correct. Okay. So let
21 me rephrase.

22 BY MR. LAGOMARSINO:

23 Q. Is there anything inaccurate in this
24 paragraph as you recall the incident today? Either
25 through your personal being there or through

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1 So it says: "A study of CPR patients in
2 Arizona found that gasping breaths (often called
3 agonal respirations) are common soon after cardiac
4 arrest."

5 Do you know what gasping breaths are in
6 relation to agonal respirations?

7 A. I'm assuming somebody struggling to
8 breathe, but I don't know the term.

9 Q. So next thing it says, "When it doubt do
10 CPR."

11 It says, "If you're looking at a person who
12 can't wake up and aren't sure if he is breathing, he
13 probably isn't."

14 Do you agree with that?

15 MR. ANDERSON: Objection. Form.

16 THE WITNESS: I'm not an EMT, but I'm not
17 sure if I agree or disagree. I don't know.

18 BY MR. LAGOMARSINO:

19 Q. It says, "When the heart stops pumping hard
20 enough to get blood all the way from the lungs to the
21 brain and back, we call it cardiac arrest."

22 Is that your understanding?

23 MR. ANDERSON: Objection. Form.

24 THE WITNESS: Yes.
25

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26 (Pages 98 to 101)

Page 98	Page 100
<p>1 BY MR. LAGOMARSINO: 2 Q. "Trained rescuers recognize cardiac arrest 3 by feeling the patient's carotid pulse (located on 4 the side of the neck.)" 5 Do you agree with that? 6 MR. ANDERSON: Objection. Form. 7 THE WITNESS: Yes. 8 BY MR. LAGOMARSINO: 9 Q. Are you a trained rescuer by Metro? 10 A. I'm CPR certified, and I don't know the 11 definition of trained rescuer. 12 Q. You are CPR certified, correct? 13 A. In the Academy I was, yes. 14 Q. It says, "If there's enough blood flowing 15 by on the way to the brain, there will be a pulse." 16 Is that your understanding? 17 A. Yes. 18 Q. Do you recall seeing Tashi gasping? 19 A. I do not. 20 Q. Are you able to recite the standard under 21 the Fourth Amendment to the United States 22 Constitution with respect to how much force a police 23 officer can use in making an arrest? 24 A. How much force? 25 Q. Yes.</p>	<p>1 decision to use the LVNR? 2 BY MR. LAGOMARSINO: 3 Q. To kill Tashi? 4 MR. ANDERSON: Objection. Form. 5 THE WITNESS: I don't understand the 6 question. 7 BY MR. LAGOMARSINO: 8 Q. What don't you understand about the 9 question? 10 A. You're asking me if I thought Lopera should 11 have used LVNR to kill the person? 12 Q. Right. 13 A. I wasn't there at the time the force was 14 used. I'm not sure what you're... 15 Q. Yes or no? 16 MR. ANDERSON: Objection. Form. 17 MR. MCNUTT: Same. 18 THE WITNESS: I don't know how to answer 19 the question. Can you repeat the question one more 20 time, please? 21 BY MR. LAGOMARSINO: 22 Q. Sure. No problem. 23 At the time, as an officer arriving on the 24 scene, did you believe at that time that Lopera was 25 authorized to use the LVNR for purposes of deadly</p>
Page 99	Page 101
<p>1 A. Objectively reasonable to the police 2 officer. 3 Q. At Metro, you were trained on how not to 4 violate a suspect's constitutional rights, correct? 5 MR. ANDERSON: Objection. Form. 6 THE WITNESS: Correct. 7 BY MR. LAGOMARSINO: 8 Q. As a police officer at the time, did you 9 believe that a police officer could use the LVNR to 10 kill somebody? 11 MR. ANDERSON: Objection. Form. 12 THE WITNESS: Could you repeat the 13 question? I'm sorry. 14 BY MR. LAGOMARSINO: 15 Q. Sure. Did you believe that, in general, a 16 police officer can use the LVNR to kill somebody? 17 A. The LVNR does fall under deadly force. 18 Aggravated aggressive resistance. 19 Q. So yes? 20 A. Yes. 21 Q. Did you believe at the time that Lopera was 22 allowed to use the LVNR to kill Tashi? 23 MR. ANDERSON: Objection. Form. 24 THE WITNESS: Did I believe at the time 25 Lopera had reasonable -- an objectively reasonable</p>	<p>1 force on Tashi? 2 MR. ANDERSON: Objection. Form. 3 THE WITNESS: I didn't know enough facts or 4 circumstances at the time to determine that. 5 BY MR. LAGOMARSINO: 6 Q. You never criticized Officer Lopera, 7 correct? 8 MR. ANDERSON: Objection. Form. 9 MR. LAGOMARSINO: Strike that. 10 BY MR. LAGOMARSINO: 11 Q. You never criticized Officer Lopera's 12 conduct at the scene, correct? 13 A. No. 14 Q. Let me give you a hypothetical question. 15 So if you're on patrol and -- let me start over. 16 I'm just giving you these facts. If you 17 want more clarification feel free to ask. 18 So you're on patrol. A person approaches 19 you and says where's a drinking fountain, and then 20 starts running away from you. Are you allowed to 21 arrest the person based on those facts? 22 MR. ANDERSON: Objection. Form. 23 THE WITNESS: Arrest? 24 BY MR. LAGOMARSINO: 25 Q. Right.</p>

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27 (Pages 102 to 105)

Page 102

1 A. I don't believe there's enough for an
2 arrest. I believe there's enough -- I mean, I would
3 have to see more, you know, what the body language,
4 what he was -- why he needed the water. I mean,
5 people ask for me directions all the time, and before
6 I say anything they just start walking away. I don't
7 think that's enough. But body language, sweating,
8 bloodshot eyes, there's a lot more.

9 Q. There's a lot of people with bloodshot eyes
10 on the Strip on the weekend, right?

11 A. Yep, that's too.

12 Q. And unless you see more, you're not
13 arresting them, correct?

14 A. No.

15 Q. Now, when you told Ken Lopera to stop, did
16 you tell him to stop because you believed that he was
17 violating Tashi's constitutional rights?

18 MR. MCNUTT: Objection. Form.

19 MR. ANDERSON: Join.

20 THE WITNESS: I told him loosen up because
21 I observed Mr. Farmer unconscious and he was already
22 in custody, so there was no -- there's no need to
23 have the restraint on him.

24 BY MR. LAGOMARSINO:

25 Q. Did you, I guess my question is -- I'll

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1 three levels of control for the LVNR?

2 Going to number 3, the use of the LVNR
3 impedes blood flow to and from the brain, true or
4 false?

5 Number 4, if rendered unconscious, then
6 subject is generally -- sorry. If rendered
7 unconscious, the subjects generally revive in 5 to
8 20 seconds, true or false.

9 5, true or false, the neck brace principle
10 refers to the fact that the subject's neck is
11 prevented from moving forward or laterally when being
12 restrained by the LVNR, true or false?

13 And 6, the hand of the encircling arm must
14 be palm down, true or false.

15 Go ahead and just finish 7, 8, 9 and 10.

16 All right. And then just under name, can
17 you write your name, please, at the top.

18 (Exhibit 10 was marked for
19 identification.)

20 BY MR. LAGOMARSINO:

21 Q. So Exhibit 10 are going to be screenshots
22 from Lopera's body cam. I'm going to just ask just a
23 couple of questions on whether you can identify
24 people in certain pictures.

25 So on the first page, are you able to --

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1 withdraw the question.

2 (Exhibit 9 was marked for
3 identification.)

4 BY MR. LAGOMARSINO:

5 Q. So Exhibit 9 is an LVNR test. The second
6 page is the answers.

7 Don't look at the answers.

8 MR. MCNUTT: Do you want to make that 10?

9 MR. LAGOMARSINO: We'll get to that.

10 BY MR. LAGOMARSINO:

11 Q. So what I would ask you is to grab your
12 pen, and can you go ahead and write in what are the
13 four physiological factors that establish control for
14 the LVNR.

15 MR. MCNUTT: I'll just object to this line
16 of questioning. Depositions are not tests for
17 witnesses, but...

18 MR. ANDERSON: Join.

19 BY MR. LAGOMARSINO:

20 Q. You can go ahead and write it down.

21 MR. ANDERSON: If he gets it right, he
22 better get a T-shirt.

23 THE WITNESS: I don't know.

24 BY MR. LAGOMARSINO:

25 Q. All right. Going to number 2, what are the

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1 MR. MCNUTT: Andre, just for clarification,
2 have these been produced, or are these screenshots
3 that you printed from the videos?

4 MR. LAGOMARSINO: These are videos that
5 have been produced by Metro, and these are
6 screenshots printed from video.

7 MR. MCNUTT: Okay.

8 BY MR. LAGOMARSINO:

9 Q. All right. Are you able to identify
10 anybody on the first page?

11 MR. MCNUTT: Are these -- I have another
12 question. Are these all from one body-worn camera,
13 or are they from various officers' body-worn cameras?

14 MR. LAGOMARSINO: These are all from the
15 same body camera. You'll see 468(35).

16 MR. MCNUTT: So this whole exhibit is from
17 one body-worn camera, one officer's body-worn camera?

18 MR. LAGOMARSINO: It's from Officer
19 Lopera's body-worn camera.

20 MR. MCNUTT: Okay.

21 THE WITNESS: I'm sorry, what am I doing
22 now?

23 BY MR. LAGOMARSINO:

24 Q. We're going to go through and see if you
25 can identify some of these people for us.

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28 (Pages 106 to 109)

Page 106	Page 108
<p>1 And then as we go through, if you don't 2 mind just writing down page numbers. 3 So we're on page 1. Do you recognize 4 anybody there? 5 A. I think that's Flores. 6 Q. Okay. So can you just go ahead -- you can 7 write on the exhibit. 8 A. Like circle them and then... 9 Q. Yeah. 10 A. (Witness complies.) 11 Q. And then just as we're going through, so we 12 have a clear record, if you can write the page 13 numbers. So that will be page 1. 14 A. Okay. 15 Q. Going to page 2, it looks like at 4:37 into 16 the camera, what have you written down? 17 A. Santana. 18 Q. That's the gentleman looking at the camera? 19 A. Yes. 20 Do I need to circle Flores again if I 21 already wrote that it was Flores? 22 Q. Yeah. I'm sorry, Flores. 23 A. (Witness complies.) 24 Q. Going to 4:37 again. So you've identified 25 Santana and Flores again?</p>	<p>1 BY MR. LAGOMARSINO: 2 Q. Going to 7 at 6:08, does that appear to be 3 Rybacki in front of you? 4 A. Yes. 5 Q. Sorry, is that Rybacki in front of the 6 camera? 7 A. Yes. 8 Q. And then walking towards the camera is 9 Flores? 10 A. Correct. 11 Q. Are you able to tell who the female is on 12 the ground? 13 A. I cannot. 14 Q. At 6:23, it appears to be Flores in front 15 of the camera, correct? 16 A. Yes. 17 Q. All right. At 6:45, are you able to 18 identify anybody? 19 A. No. 20 Q. Are you able to -- does it appear that 21 Tashi Farmer is still handcuffed? 22 A. Yes. 23 Q. 6:46, page 10, it looks like we've got 24 Flores there, correct? 25 A. Are you asking? Yes. I'm sorry.</p>
Page 107	Page 109
<p>1 A. Yes. 2 Q. Does it look like you kind of bending over? 3 A. Yes. 4 Q. Are you able to tell without seeing the 5 actual video what's actually going on here? 6 A. They were checking him for pulse or -- no, 7 I can't tell. 8 Q. So going to 5:08, does that appear to be 9 Crumrine? 10 A. Yes. Do you want me to write Crumrine? 11 Can I just circle his name? 12 Q. Yes. 13 MR. MCNUTT: His name tag kind of gives it 14 away. 15 BY MR. LAGOMARSINO: 16 Q. Going to number 5. So Crumrine was on 4. 17 Going to 5 at 5:47. Are you able to tell who is who? 18 A. I can't. 19 Q. Okay. Going to 6 at 5:49, are you able to 20 tell who's who? 21 A. I think that's Flores again. 22 Q. Okay. 23 MR. MCNUTT: Which one is Flores? Can you 24 just point to it so I can see? Oh, on the right? 25 Okay.</p>	<p>1 Q. And then does it appear that you're in the 2 crosswalk there? Or is that not -- 3 A. Yes. This is me right here. 4 Q. We've got the next page, Flores again. 5 A. Correct. 6 Q. And page 12, that's Lift? 7 A. Yes. 8 Q. And going on to page 13, are you able to 9 see the female officer holding onto Tashi Farmer's 10 head? 11 A. Yes. I make it out, yes. 12 Q. And this is at 7:13, correct? On the 13 camera? 14 A. Yes. 15 Q. Still by 7:13, there's no CPR or chest 16 compressions being performed, correct? 17 MR. ANDERSON: Objection. Form. 18 THE WITNESS: Yes. 19 BY MR. LAGOMARSINO: 20 Q. Going to 7:22. Again, do you see the 21 female officer holding the head that way? 22 A. Yes. 23 Q. Why is his head being held that way? 24 A. If I recall correctly, the officer behind 25 him is the one that starts chest compressions. But I</p>

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29 (Pages 110 to 113)

<p style="text-align: right;">Page 110</p> <p>1 don't know what he's doing at this moment.</p> <p>2 Q. Okay. Going to the next page, which is 15,</p> <p>3 do you remember Lopera giving a thumbs up on this</p> <p>4 body cam footage?</p> <p>5 MR. MCNUTT: Objection. Form.</p> <p>6 THE WITNESS: I don't recall.</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q. Going to page 16, now it's 7:25. Is Tashi</p> <p>9 still on his side being held by the female officer?</p> <p>10 MR. MCNUTT: Objection. Form.</p> <p>11 THE WITNESS: Is she holding his head? Is</p> <p>12 that what you're asking?</p> <p>13 BY MR. LAGOMARSINO:</p> <p>14 Q. Yes.</p> <p>15 A. Yes.</p> <p>16 Q. 7:29, same question. Is the female officer</p> <p>17 holding his head on the side?</p> <p>18 A. Yes.</p> <p>19 Q. Same question at 7:36, is the female</p> <p>20 officer holding his head on the side?</p> <p>21 A. No. It looks like her hand is on the</p> <p>22 floor.</p> <p>23 Q. Do you see Crumrine in that shot on</p> <p>24 page 18?</p> <p>25 A. On page 18 or 19? Yes.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Skip the next, 20. Going to page 21 at</p> <p>2 9:06, still compressions have not started, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And then at 22, 9:14 timestamp,</p> <p>5 compressions have still not started, correct?</p> <p>6 A. Correct.</p> <p>7 Q. All right. Do the pictures that we've</p> <p>8 discussed appear to you to truly and accurately</p> <p>9 depict stills of the video footage that you watch</p> <p>10 from Officer Lopera's body cam?</p> <p>11 MR. MCNUTT: Objection. Form.</p> <p>12 MR. ANDERSON: Objection.</p> <p>13 THE WITNESS: I've actually not watched</p> <p>14 this portion of his body camera. The only portion I</p> <p>15 watched was when he was still on the ground with</p> <p>16 Mr. Farmer. I was never shown this.</p> <p>17 MR. LAGOMARSINO: Okay. All right. We'll</p> <p>18 go to Exhibit 11.</p> <p>19 (Exhibit 11 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. LAGOMARSINO:</p> <p>22 Q. I've handed you two photos from a different</p> <p>23 body cam. Body cams that we received were not</p> <p>24 identified by officer, so we were just referring to</p> <p>25 them by number. We'll send the interrogatory to</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. So -- I'm sorry, just for the record, on</p> <p>2 page 18 -- I'm probably numbering them wrong on my</p> <p>3 own page.</p> <p>4 MR. MCNUTT: Can you give a timestamp,</p> <p>5 please?</p> <p>6 MR. LAGOMARSINO: Yeah. Can you let me</p> <p>7 finish? I'm trying to get there.</p> <p>8 BY MR. LAGOMARSINO:</p> <p>9 Q. I've got page 16 at 7:25. Is that --</p> <p>10 A. Yeah. I'm not there.</p> <p>11 Q. So we've got 16 at 7:25; 17 at 7:29; 18 at</p> <p>12 7:36.</p> <p>13 So at 18 you'll see Crumrine, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And is that Flores to the left of Crumrine?</p> <p>16 A. Yes.</p> <p>17 Q. 19 at 7:40 timestamp, it appears that</p> <p>18 compressions still have not started, correct?</p> <p>19 MR. ANDERSON: Objection. Form.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. LAGOMARSINO:</p> <p>22 Q. And are you basing that because</p> <p>23 compressions don't start until he's out of his</p> <p>24 handcuffs and on his back, correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 113</p> <p>1 counsel to identify whose is whose.</p> <p>2 But this is from camera 468(13). Can you</p> <p>3 identify the person depicted in this shot?</p> <p>4 A. Yes.</p> <p>5 Q. Who is that?</p> <p>6 A. Officer Serrano.</p> <p>7 Q. Is he on your squad?</p> <p>8 A. Not currently.</p> <p>9 Q. Was he on your squad that night?</p> <p>10 A. I believe so.</p> <p>11 Q. And again, the next page we have Flores,</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 MR. LAGOMARSINO: Okay. All right. We're</p> <p>15 going to just take about a five-minute break, and</p> <p>16 then we'll start to get into a few of the videos.</p> <p>17 MR. MCNUTT: Andre, so you don't know whose</p> <p>18 body-worn camera this one was, right?</p> <p>19 MR. LAGOMARSINO: Correct.</p> <p>20 MR. MCNUTT: And no timestamps on the first</p> <p>21 page?</p> <p>22 MR. LAGOMARSINO: Correct.</p> <p>23 MR. MCNUTT: Okay.</p> <p>24 THE VIDEOGRAPHER: We're going off the</p> <p>25 record at approximately 2:05 p.m.</p>

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30 (Pages 114 to 117)

Page 114	Page 116
<p>1 (A recess was taken from 2:05 p.m. 2 to 2:13 p.m.) 3 THE VIDEOGRAPHER: We're going back on the 4 record at approximately 2:13 p.m. 5 BY MR. LAGOMARSINO: 6 Q. Do you understand you're still under oath? 7 A. Yes. 8 Q. Can I ask you some questions about some of 9 these videos. You may or may not have seen portions, 10 as you've already testified to, but I'm going to see 11 if some of this refreshes your recollection, or if 12 you have any personal knowledge based on what's 13 represented there. Okay? 14 So the first video record is 468(35). And 15 I'll represent this is Lopera's body cam footage. So 16 we're at 3:06 on the timestamp, so we'll go ahead and 17 press play. 18 (Playing video.) 19 BY MR. LAGOMARSINO: 20 Q. So as we discussed already, there's 21 somebody that says, "Let him go, Ken." He says, "Are 22 you sure," and then he says "Yeah." 23 And it's your testimony that's not you, 24 correct? 25 A. Correct.</p>	<p>1 A. I was trying to key up at the same time, 2 but that was Flores' traffic. 3 Q. All right. Let's go through it. 4 (Playing video.) 5 MR. LAGOMARSINO: Let's go back to 3:10. 6 (Playing video.) 7 MR. LAGOMARSINO: Press pause. 8 BY MR. LAGOMARSINO: 9 Q. So the siren ends at about 3:14, correct? 10 On the timestamp? 11 A. Correct. 12 (Playing video.) 13 BY MR. LAGOMARSINO: 14 Q. Based on the time that the sirens stopped 15 at about 3:13, I'm assuming you then just got out of 16 the vehicle and went to the scene. Do you believe 17 that you were able to get to the scene within 18 10 seconds? 19 A. Yes. 20 Q. Okay. 21 (Playing video.) 22 BY MR. LAGOMARSINO: 23 Q. We're at 4:14 for the record. 24 What's going on just before 4:14 that we 25 just watched?</p>
Page 115	Page 117
<p>1 MR. LAGOMARSINO: All right. Let's press 2 play. 3 (Playing video.) 4 BY MR. LAGOMARSINO: 5 Q. So you were present for that, correct? 6 A. Yes. 7 Q. Having now watched the video, do you 8 believe you were present when he said, "Let him go, 9 Ken," two seconds earlier? 10 A. So if you play it back, and you hear the 11 car radio say, "The rear of the Venetian," that's us 12 exiting the vehicle saying we're in the rear of the 13 Venetian. 14 Q. Okay. 15 A. So it happens simultaneous, so I don't 16 know. 17 Q. Okay. That's helpful. 18 All right. So let's go back to 3:20. So 19 before we press play, that siren and the car coming 20 and then the siren getting shut off is your car or 21 your vehicle, correct? 22 A. Correct. 23 Q. And then you said there was something about 24 being at the rear of the Venetian. Is that your 25 voice or Flores?</p>	<p>1 A. It looks like we were putting handcuffs on 2 him. 3 Q. Okay. 4 (Playing video.) 5 BY MR. LAGOMARSINO: 6 Q. All right. When he says, "Move, move, 7 thank you," what was going on there? It appears, 8 just for the record, that it's at this point just 9 before 4:21 that Lopera disengages; is that correct? 10 A. Correct. 11 Q. So Lopera has released him at this point; 12 is that your understanding? 13 A. Yes. 14 Q. And then he steps away? 15 A. And then he what? 16 Q. And then he steps away, correct? 17 A. Yes. 18 Q. Is that the barrier you're talking about? 19 A. Yes. 20 Q. At 4:22. Okay. 21 (Playing video.) 22 BY MR. LAGOMARSINO: 23 Q. At 4:36, we looked at some stills that may 24 resemble this. Is that Flores there in the green? 25 A. Yes.</p>

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* * * Videotaped Deposition * * *

31 (Pages 118 to 121)

<p style="text-align: right;">Page 118</p> <p>1 Q. And we can't see you or see you clearly at 2 this point, correct? 3 A. No. 4 Q. All right. 5 (Playing video.) 6 BY MR. LAGOMARSINO: 7 Q. So a few seconds ago we heard "roll 8 medical." Was that Lopera? 9 A. I believe so. 10 Q. Okay. All right. 11 (Playing video.) 12 BY MR. LAGOMARSINO: 13 Q. At 5:45, does it appear that medical is 14 being rendered at this point? 15 A. Not in the form of chest compressions. I'm 16 not sure what they're doing. 17 (Playing video.) 18 MR. LAGOMARSINO: I want to get Crumrine in 19 the shot with a frame by frame. Frame by frame. 20 (Playing video.) 21 BY MR. LAGOMARSINO: 22 Q. Does it appear that at 6:33 that's Crumrine 23 kind of near the crosswalk area? 24 A. Yes. 25 (Playing video.)</p>	<p style="text-align: right;">Page 120</p> <p>1 wipes and putting them on your hands? 2 A. Yes. 3 Q. Is that because at this point you feel like 4 your involvement in resuscitating him or rendering 5 aid to him is complete? 6 A. The scene is static, and I was just making 7 sure my hands were -- there's nothing contagious on 8 my hands. 9 Q. Right. I mean, did you believe at that 10 point that you were going to get back involved? 11 A. The scene is static. I mean, we asked for 12 medical, we're waiting for medical to arrive. There 13 was -- I'm not a medical practitioner, so I didn't 14 know what else to do. 15 Q. Okay. 16 (Playing video.) 17 MR. LAGOMARSINO: Going to the next video 18 on the same disc. So for the record it's UOFLVNR2. 19 It's a three-minute video. 20 And this is not, I don't believe this is 21 Lopera's footage, but I want to ask you some 22 questions about it, okay? 23 (Playing video.) 24 BY MR. LAGOMARSINO: 25 Q. Is that your body cam?</p>
<p style="text-align: right;">Page 119</p> <p>1 BY MR. LAGOMARSINO: 2 Q. At 6:43, is that you standing next to 3 Crumrine? 4 A. Yes. 5 (Playing video.) 6 BY MR. LAGOMARSINO: 7 Q. We heard somebody say, "I think he's still 8 out." Does that appear to be Lopera to you? 9 A. I actually missed that. I didn't hear it. 10 MR. LAGOMARSINO: Let's go back five 11 seconds. 12 (Playing video.) 13 BY MR. LAGOMARSINO: 14 Q. "I think he's still out," does that appear 15 to be Lopera's voice to you? 16 A. I believe so, yeah. Can you play it one 17 more time? I actually keep missing it. 18 MR. LAGOMARSINO: Let's go to 6:40, Denise. 19 (Playing video.) 20 THE WITNESS: Yeah, it sounds like Lopera's 21 voice. 22 (Playing video.) 23 BY MR. LAGOMARSINO: 24 Q. Now, we have other videos, too, but do you 25 see yourself at this point just taking out the hand</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Yes. 2 Q. So let's start from the beginning and watch 3 it all the way through. 4 So just for the record, can you drag that 5 video down a little bit so I can see the title. So 6 it's UOFLVNR2. 7 But based on what we've seen it appears to 8 be your body cam, correct? 9 A. Yes. 10 (Playing video.) 11 BY MR. LAGOMARSINO: 12 Q. I hear you say, "I don't show any," but I 13 can't make out exactly what you're saying. 14 A. I think I say, "I don't know, Bro. I don't 15 feel a pulse," but I don't know. 16 (Playing video.) 17 BY MR. LAGOMARSINO: 18 Q. So now we're at one minute in. Have you 19 asked for medical yet? 20 A. I already asked for medical. 21 Q. Was that audible on the recording? I don't 22 know, I didn't hear it. 23 A. It was. 24 Q. Okay. Where did you -- let's go back and 25 start it at about 30 seconds.</p>

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* * * Videotaped Deposition * * *

32 (Pages 122 to 125)

Page 122

1 A. It was before this.
 2 Q. Oh, okay. You can't hear it on the video,
 3 correct?
 4 A. Correct.
 5 Q. All right.
 6 (Playing video.)
 7 BY MR. LAGOMARSINO:
 8 Q. Who is saying "block that street?" Is that
 9 you?
 10 A. No. That's Officer Young.
 11 Q. Then why do you go back to your car or your
 12 vehicle?
 13 A. Because my vehicle is blocking an ingress
 14 for FT.
 15 (Playing video.)
 16 BY MR. LAGOMARSINO:
 17 Q. So here at 1:55, there's just a search
 18 going on, correct?
 19 A. Correct.
 20 (Playing video.)
 21 BY MR. LAGOMARSINO:
 22 Q. And it's at this point I think in the
 23 screen at 2:04 you've got the anti-bacterials,
 24 correct?
 25 A. Correct.

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1 anything, and still no chest compressions, correct?
 2 MR. MCNUTT: Objection. Form.
 3 MR. ANDERSON: Join.
 4 THE WITNESS: Correct. But I asked Officer
 5 Crevettes if he found the pulse, and he nodded in the
 6 camera, in the video.
 7 BY MR. LAGOMARSINO:
 8 Q. Okay. All right. And based on your
 9 training, you think just the pulse is enough to not
 10 do any chest compressions or resuscitation, correct?
 11 MR. ANDERSON: Objection. Form.
 12 THE WITNESS: Based on my training, I
 13 believe so.
 14 MR. LAGOMARSINO: All right. That was
 15 Exhibit 12. So just for the record, I know you guys
 16 have these, but it's Exhibit 12 that has those two
 17 videos.
 18 (Exhibit 12 was marked for
 19 identification.)
 20 MR. LAGOMARSINO: Let's go to Exhibit 13,
 21 which is 468(13).
 22 MR. MCNUTT: And we don't know who this
 23 is?
 24 MR. LAGOMARSINO: Just again, Counsel,
 25 Metro produced this body camera footage videos. They

Page 123

1 (Playing video.)
 2 BY MR. LAGOMARSINO:
 3 Q. Who is the individual in the green in
 4 between the two officers?
 5 MR. ANDERSON: Officer Crevettes
 6 (phonetic).
 7 BY MR. LAGOMARSINO:
 8 Q. Do you know who the other two officers
 9 are?
 10 A. The male officer is Officer Amburgey. I
 11 don't know the -- that's his field training trainee.
 12 (Playing video.)
 13 BY MR. LAGOMARSINO:
 14 Q. Do you know why it was the field training
 15 officer that was the one to do the chest
 16 compressions?
 17 A. I don't know.
 18 Q. Did you ever hear if he was using it as a
 19 training exercise for the trainee?
 20 MR. ANDERSON: Object to the form.
 21 THE WITNESS: I don't know. No.
 22 (Playing video.)
 23 BY MR. LAGOMARSINO:
 24 Q. So at least on your camera, over two
 25 minutes passed after you said you don't feel

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1 didn't identify which officer was which, but they
 2 individually identified by number. And so we're
 3 going to be sending an interrogatory to Metro, and
 4 they'll tell us whose this camera is.
 5 (Playing video.)
 6 BY MR. LAGOMARSINO:
 7 Q. I just want to be clear on something,
 8 Mr. Tran. Is it your testimony that Metro does not
 9 train you to perform CPR on an individual who has an
 10 LVNR applied to him if he's unresponsive?
 11 MR. ANDERSON: Objection. Form.
 12 THE WITNESS: We're trained in the LVNR.
 13 We're trained in CPR in the Academy.
 14 BY MR. LAGOMARSINO:
 15 Q. Okay.
 16 A. If the subject is rendered unconscious, we
 17 call for medical.
 18 Q. Okay. So if the LVNR goes bad, you have to
 19 wait until whenever medical comes to figure out
 20 what's going to happen?
 21 MR. ANDERSON: Objection. Form.
 22 THE WITNESS: I mean, there's no policy
 23 that says we have to wait or we have to start
 24 compressions. I don't know.
 25 (Playing video.)

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33 (Pages 126 to 129)

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1 BY MR. LAGOMARSINO:
2 Q. So let's back it up five seconds. So
3 there's a few conversations here. I want to ask you
4 who's talking right now right there.
5 So pause at 4:07. Who is that in the
6 screen?
7 A. Right there, right in front?
8 Q. Yes, sir.
9 A. Officer Serrano.
10 Q. Okay.
11 (Playing video.)
12 BY MR. LAGOMARSINO:
13 Q. Who is talking right now at 4:14?
14 A. Officer Flores.
15 Q. Okay. When he said, "Lopera, got him in a
16 lock," that's who you're saying is Flores?
17 A. Yes.
18 Q. All right. So let's go back again to like
19 4:09.
20 (Playing video.)
21 BY MR. LAGOMARSINO:
22 Q. I'll represent coming up somebody is going
23 to say -- it doesn't appear to be Flores, but it
24 could be -- "he was out when we got here." Okay? So
25 I want to see if you recognize that voice.

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1 to somebody, and she says, "Turn your camera off." I
2 want to ask you if you recognize the voices at the
3 end of the video. So you can kind of go to the last
4 30 seconds.
5 (Playing video.)
6 BY MR. LAGOMARSINO:
7 Q. Who is that officer in the screen?
8 A. This officer in the screen?
9 Q. To the right, yeah.
10 A. That's Officer Stutzman.
11 Q. And do you know who is speaking when she
12 said "turn your camera off"?
13 A. I heard her say "we were inside," so if I
14 had to guess it would be Officer Lift.
15 (Playing video.)
16 MR. LAGOMARSINO: All right. So that was
17 15? Was that 15?
18 MS. VALDIVIA: That was 14.
19 MR. LAGOMARSINO: 14? Okay.
20 MR. MCNUTT: So we're marking this as 15 or
21 we're marking this as 16?
22 MR. LAGOMARSINO: 16. We're skipping 15.
23 15 is quite long. We can put it in if you would like
24 me to do that.
25 (Exhibit 16 was marked for

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1 (Playing video.)
2 BY MR. LAGOMARSINO:
3 Q. Did you hear somebody say he was already
4 out?
5 A. I didn't, no.
6 Q. Okay. Let's play is again.
7 (Playing video.)
8 THE WITNESS: I heard something in the
9 background. I don't know what was said.
10 (Playing video.)
11 BY MR. LAGOMARSINO:
12 Q. So he says "He was out, he was already
13 out." Who said that?
14 A. I don't know.
15 Q. Okay.
16 (Playing video.)
17 MR. LAGOMARSINO: So that was Exhibit 13.
18 (Exhibit 13 was marked for
19 identification.)
20 BY MR. LAGOMARSINO:
21 Q. Going to Exhibit 14, 468(20), two minutes.
22 (Exhibit 14 was marked for
23 identification.)
24 BY MR. LAGOMARSINO:
25 Q. There's a female at the end who is talking

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1 identification.)
2 MR. LAGOMARSINO: So press play.
3 (Playing video.)
4 MR. LAGOMARSINO: Okay. At this point
5 pause it.
6 BY MR. LAGOMARSINO:
7 Q. This is the part where you're trying to get
8 Tashi to sit up, correct?
9 A. You would have to keep playing. I don't
10 know what we're doing here.
11 MR. LAGOMARSINO: All right.
12 So press play from the beginning.
13 (Playing video.)
14 BY MR. LAGOMARSINO:
15 Q. Do you see at, it looks like 10 seconds,
16 Tashi's feet are crossed and placed behind him?
17 A. Yes.
18 Q. Do you know why that is?
19 A. It's a tactic that we're taught to control
20 the subject from fighting or moving.
21 Q. Okay. All right.
22 (Playing video.)
23 BY MR. LAGOMARSINO:
24 Q. Is that you right there?
25 A. Yes.

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34 (Pages 130 to 133)

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<p>1 MR. LAGOMARSINO: Pause.</p> <p>2 BY MR. LAGOMARSINO:</p> <p>3 Q. At 39 seconds that's you checking vitals,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 (Playing video.)</p> <p>7 BY MR. LAGOMARSINO:</p> <p>8 Q. Do you believe this to be Flores' camera?</p> <p>9 A. Yes.</p> <p>10 (Playing video.)</p> <p>11 BY MR. LAGOMARSINO:</p> <p>12 Q. Is that where you called for medical?</p> <p>13 A. No. We called for medical in the</p> <p>14 beginning.</p> <p>15 Q. Okay.</p> <p>16 (Playing video.)</p> <p>17 MR. LAGOMARSINO: Just for the record,</p> <p>18 that was what video number? That was 468(27)? Okay.</p> <p>19 All right. Let's take a quick break, and I</p> <p>20 think we'll have about 20 minutes left.</p> <p>21 THE VIDEOGRAPHER: We're going off the</p> <p>22 record at approximately 2:51 p.m.</p> <p>23 (A recess was taken from 2:51 p.m.</p> <p>24 to 2:56 p.m.)</p> <p>25 THE VIDEOGRAPHER: We're back on the record</p>	<p>1 evidence that would have led you to believe that</p> <p>2 Officer Lopera was using unreasonable force?</p> <p>3 A. No.</p> <p>4 Q. When you arrived, what was your initial</p> <p>5 focus?</p> <p>6 A. I wanted to make the scene safe. I placed</p> <p>7 Mr. Farmer in handcuffs. And just make the scene</p> <p>8 safe and go from there.</p> <p>9 Q. When you arrived, could you tell how much</p> <p>10 pressure, if any, Lopera was using on Mr. Farmer's</p> <p>11 neck?</p> <p>12 A. No.</p> <p>13 Q. Could you tell what level the LVNR he was</p> <p>14 in?</p> <p>15 A. No.</p> <p>16 Q. Is there any way you could have been able</p> <p>17 to tell that?</p> <p>18 A. No.</p> <p>19 Q. Okay. Would you ever check the pressure</p> <p>20 being used by physically touching Lopera and Farmer</p> <p>21 before Farmer was in handcuffs?</p> <p>22 A. No.</p> <p>23 Q. When you arrived, how long from the</p> <p>24 moment you parked until you were engaged in the</p> <p>25 struggle?</p>
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<p>1 at approximately 2:56 p.m.</p> <p>2 MR. LAGOMARSINO: I have no further</p> <p>3 questions.</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 BY MR. ANDERSON:</p> <p>7 Q. Officer Tran, when you arrived on the</p> <p>8 scene, what information did you have as to what had</p> <p>9 occurred between --</p> <p>10 THE VIDEOGRAPHER: I'm sorry, Mr. Anderson,</p> <p>11 could you please place your microphone on for me?</p> <p>12 MR. ANDERSON: I apologize. We'll start</p> <p>13 over. Could you Take 2?</p> <p>14 THE VIDEOGRAPHER: Please.</p> <p>15 MR. ANDERSON: That was a test.</p> <p>16 MR. MCNUTT: That was a test. You failed.</p> <p>17 MR. ANDERSON: I apologize.</p> <p>18 BY MR. ANDERSON:</p> <p>19 Q. When you arrived, Officer Tran, what</p> <p>20 information did you have as to what had occurred</p> <p>21 prior to your arrival between Lopera and Farmer?</p> <p>22 A. Other than the Code Red, which means</p> <p>23 officers in emergency, and a call sign saying he was</p> <p>24 at Venetian, there was no other details.</p> <p>25 Q. When you arrived, did you have any facts or</p>	<p>1 A. Ten seconds.</p> <p>2 Q. And you're aware of the duty to intervene?</p> <p>3 A. Yes.</p> <p>4 Q. In your opinion, how can an officer</p> <p>5 intervene?</p> <p>6 A. When it's safe to do so, when an officer</p> <p>7 observes unreasonable force, they can intervene by</p> <p>8 verbal commands or physical intervention.</p> <p>9 Q. Now, we went through your deposition that</p> <p>10 you gave in the prior lawsuit where you were referred</p> <p>11 to page 70 - 77 of your deposition, which is</p> <p>12 Exhibit 1.</p> <p>13 And are you there?</p> <p>14 A. Yes.</p> <p>15 Q. The question was asked of you in the other</p> <p>16 lawsuit: "From the time that you got there until the</p> <p>17 time that Officer Lopera released the hold, did</p> <p>18 Flores do anything whatsoever to intervene?"</p> <p>19 And your answer was, "No. We were trying</p> <p>20 to take him into custody."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Did you believe that you and Officer</p> <p>24 Flores, based on the facts you knew, had a duty to be</p> <p>25 intervening at that time?</p>

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1 A. No.
 2 Q. Again, did you have any facts that led you
 3 to believe that Officer Lopera was using unreasonable
 4 force?
 5 A. No.
 6 Q. Do you believe that by attempting to
 7 handcuff Farmer, that would be a form of
 8 intervention?
 9 A. Yes.
 10 Q. And then as soon as the handcuffing was
 11 complete, that's when you noticed that Farmer was
 12 unconscious?
 13 A. Correct.
 14 Q. And what did you do when you noticed
 15 that?
 16 A. I told Officer Lopera, "Loosen up, loosen
 17 up, he's out."
 18 Q. There's been some testimony today about
 19 when you called medical; is that correct?
 20 A. Correct.
 21 Q. Have you listened to the radio dispatch in
 22 this case?
 23 A. Yes.
 24 Q. Okay. On that dispatch, did you recognize
 25 your voice?

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1 Q. Well, no, but you could have said what
 2 level LVNR are you in. It takes about a second,
 3 right?
 4 A. Correct. But there was a supervisor on
 5 scene, and we were there to assist in taking the
 6 subject into custody.
 7 Q. Okay. And there was a question that
 8 Mr. Anderson asked you about when you called medical,
 9 and I was looking at something when you said it. So
 10 was it right when you arrived on scene you said call
 11 medical?
 12 A. No. It was after we placed him into
 13 handcuffs. I got on the radio and said clear the
 14 red, the Code Red, that was asked. He's in custody.
 15 Code 4. Roll medical.
 16 Q. What's Code 4 mean?
 17 A. It means where everyone is okay.
 18 Q. And why did you feel it was necessary to
 19 call medical at that time?
 20 A. Because after we placed him in handcuffs,
 21 and I looked down and I saw Mr. Farmer was
 22 unconscious, and the encircling arm on Mr. Farmer, it
 23 was -- it's policy that we roll medical for use of
 24 LVNR.
 25 Q. You knew he needed medical, right?

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1 A. Yes.
 2 Q. When did you request medical?
 3 A. As soon as Mr. Farmer was placed in
 4 handcuffs, I said: "Venetian 1, we're Code 4. Clear
 5 the red, roll medical."
 6 Q. And did that occur before you turned on
 7 your body cam?
 8 A. Yes.
 9 MR. ANDERSON: That is all I have.
 10 MR. LAGOMARSINO: Dan, let me just follow
 11 up on a couple of them, if that's okay?
 12
 13 FURTHER EXAMINATION
 14 BY MR. LAGOMARSINO:
 15 Q. The question was asked is there any way you
 16 could have found out what level of LVNR Lopera had
 17 him in. Do you remember that question just a second
 18 ago?
 19 A. Yes.
 20 Q. You could have asked him what level he was
 21 in, correct?
 22 A. I could have, but that's -- this struggle,
 23 the dynamic scene, I wouldn't -- it wouldn't have
 24 been reasonable for me to pause to ask him what the
 25 subject has done prior to my arrival.

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1 MR. ANDERSON: Objection.
 2 MR. MCNUTT: Objection. Form.
 3 THE WITNESS: I didn't know if he needed
 4 medical, but I wanted medical to come in case he did
 5 need medical.
 6 MR. LAGOMARSINO: Okay. I have no further
 7 questions.
 8
 9 EXAMINATION
 10 BY MR. MCNUTT:
 11 Q. Officer Tran, my name is Dan McNutt. I
 12 represent Mr. Lopera.
 13 Is being under the influence of a
 14 controlled substance a crime in the state of Nevada?
 15 A. Yes.
 16 Q. Is trespassing a crime in the state of
 17 Nevada?
 18 A. Yes.
 19 Q. Is resisting arrest a crime in the state of
 20 Nevada?
 21 A. Yes.
 22 Q. Is carjacking a crime in the state of
 23 Nevada?
 24 A. Yes.
 25 Q. Are you aware whether or not Mr. Farmer was

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36 (Pages 138 to 141)

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<p>1 under the influence of a controlled substance on the 2 night of this incident? 3 A. Prior to my arrival, no. 4 Q. But are you aware now? 5 A. Yes. 6 Q. Are you aware that Mr. Farmer could have 7 been charged with a crime for being under the 8 influence of a controlled substance? 9 MR. LAGOMARSINO: Calls for speculation. 10 THE WITNESS: Yes. 11 BY MR. MCNUTT: 12 Q. What's your answer? 13 A. Yes. 14 Q. You testified that Tashi Farmer's left arm 15 was behind his back -- this is when you arrived. 16 Tashi Farmer's left arm was behind his back, but not 17 being held by Officer Lopera; is that correct? 18 A. Correct. 19 Q. Is it possible that Tashi Farmer was 20 grabbing for a weapon or something else on Officer 21 Lopera's belt? 22 MR. LAGOMARSINO: Calls for speculation. 23 THE WITNESS: It could be possible, yes. 24 BY MR. MCNUTT: 25 Q. In fact, we looked at a photograph offered</p>	<p>1 Are those different levels that you are 2 taught or trained to identify with a suspect? 3 A. Yes. 4 Q. Can you tell me what the several levels 5 are? 6 A. An aggressive resistance is suspect's 7 actions show an intent to do harm, causing potential 8 injury. And an aggravated aggressive resistance, the 9 suspect is showing intent which could produce death 10 or substantial bodily harm. 11 Q. And then what's below those two? 12 A. It would be a low-level resistance; passive 13 or active resistance. 14 Q. When you arrived, you had used the word 15 Officer Lopera's encircling arm. Do you recall 16 talking about that? 17 A. Correct. 18 Q. Was Officer Lopera's elbow in line with 19 Tashi Farmer's chin? 20 A. Yes. 21 Q. Was it -- if you looked at just his 22 encircling arm, is that the proper position for an 23 LVNR the way you're trained in the Academy? 24 A. Yes. 25 Q. Could you see his other hand or not?</p>
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<p>1 by the plaintiff earlier in which you identified the 2 gear that was being carried on Officer Lopera's belt, 3 correct? 4 A. Correct. 5 Q. Is it your recollection from that photo 6 that Officer Lopera's taser was on his left side? 7 A. Yes. 8 Q. Would you like to see the photo again to 9 refresh your recollection? 10 A. I can look at it. Left side. 11 Q. Yep, okay. So that's Plaintiff's Exhibit 12 or Deposition Exhibit 3, correct? 13 A. Yes. 14 Q. So if Officer Lopera was chest-to-back to 15 Tashi Farmer, and Tashi Farmer reached behind him, 16 then he would have access to Officer Lopera's taser? 17 A. Correct. 18 Q. You testified that you said words to the 19 effect of "loosen up" or "loosen up, Ken," something 20 like that, correct? 21 A. Yes, "loosen up." 22 Q. And did Officer Lopera comply with that? 23 A. Yes. Immediately. 24 Q. There was some discussion about aggressive 25 resistance and some other types of resistance.</p>	<p>1 A. No. 2 Q. So you couldn't tell from your perspective 3 whether Officer Lopera's hands were clasped together 4 or not? 5 A. No, I couldn't see. 6 Q. Okay. Let's go back to a video. And tell 7 me if you've seen this still shot that I'm going to 8 show you. 9 Do you recognize this is Officer Lopera's 10 body-worn cam? 11 A. Yes. 12 Q. This is the same one we watched earlier, 13 except I don't have it up on Counsel's screen. 14 So do you recognize Tashi Farmer here in 15 the frame? 16 A. Yes. 17 Q. And do you recognize this to be Officer 18 Lopera's left hand with his coffee? 19 A. Yes. 20 Q. So I'm going to start -- we'll start 21 watching this, and I'll ask you a couple of 22 questions, just like we did with Mr. Lagomarsino. 23 (Playing video.) 24 BY MR. MCNUTT: 25 Q. Can you see this area behind the roped off</p>

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<p>1 or chained off section?</p> <p>2 A. Yes.</p> <p>3 Q. What do you recognize that to be?</p> <p>4 A. A roped off area that the public is not</p> <p>5 allowed to pass.</p> <p>6 Q. Okay.</p> <p>7 A. Or permitted to go to.</p> <p>8 (Playing video.)</p> <p>9 BY MR. MCNUTT:</p> <p>10 Q. Okay. So we're at 17 seconds and Tashi</p> <p>11 Farmer is fleeing into the back of the house of the</p> <p>12 casino, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Should a Metro officer pursue a suspect</p> <p>15 that flees into a restricted area?</p> <p>16 A. Yes.</p> <p>17 MR. LAGOMARSINO: Objection. Form.</p> <p>18 BY MR. MCNUTT:</p> <p>19 Q. Would you, based on what you just saw,</p> <p>20 would you have pursued Tashi Farmer?</p> <p>21 A. Yes. A reasonable person wouldn't enter</p> <p>22 the back of the house of a property.</p> <p>23 Q. And wouldn't that, in fact, be a crime in</p> <p>24 the state of Nevada?</p> <p>25 A. Yes. At least a trespass.</p>	<p>1 BY MR. MCNUTT:</p> <p>2 Q. So you heard him, Officer Lopera, say to</p> <p>3 Tashi Farmer, "Don't move," correct?</p> <p>4 A. Yes.</p> <p>5 Q. And at 1:43 in the video, what is</p> <p>6 Tashi Farmer doing?</p> <p>7 A. He's sitting up. Looks like he's trying to</p> <p>8 move away, get up or walk away.</p> <p>9 Q. Does that indicate to you that he's</p> <p>10 complying with Officer Lopera's commands?</p> <p>11 A. No.</p> <p>12 Q. Is it normal for someone after they've been</p> <p>13 tased to not comply with the officer's commands?</p> <p>14 A. I wouldn't say normal, but there are some</p> <p>15 that don't comply.</p> <p>16 Q. Is it possible that when someone is on</p> <p>17 illegal methamphetamine that they don't</p> <p>18 comply with --</p> <p>19 A. Yes.</p> <p>20 Q. -- the verbal commands of an officer?</p> <p>21 MR. LAGOMARSINO: Form.</p> <p>22 BY MR. MCNUTT:</p> <p>23 Q. Is it also possible that when somebody is</p> <p>24 under the influence of a controlled substance, that</p> <p>25 the effects of a taser don't have the same effect as</p>
Page 143	Page 145
<p>1 (Playing video.)</p> <p>2 BY MR. MCNUTT:</p> <p>3 Q. So we're at the 30-second mark, and now we</p> <p>4 have sound, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Do you know where Officer Lift was at any</p> <p>7 part during this pursuit?</p> <p>8 A. No.</p> <p>9 Q. Have you ever talked to her since</p> <p>10 then?</p> <p>11 A. Not regarding this, no.</p> <p>12 (Playing video.)</p> <p>13 BY MR. MCNUTT:</p> <p>14 Q. So did you hear Officer Lopera say stop,</p> <p>15 don't move?</p> <p>16 A. Yes.</p> <p>17 Q. Did Mr. Farmer comply?</p> <p>18 A. No.</p> <p>19 (Playing video.)</p> <p>20 BY MR. MCNUTT:</p> <p>21 Q. Is it policy to advise a suspect that they</p> <p>22 may get tased if they don't comply?</p> <p>23 A. We're advised to give verbal commands,</p> <p>24 correct.</p> <p>25 (Playing video.)</p>	<p>1 if you shot your attorney here with it today?</p> <p>2 A. Yes.</p> <p>3 (Playing video.)</p> <p>4 BY MR. MCNUTT:</p> <p>5 Q. So he said to get on his stomach, and Tashi</p> <p>6 Farmer is saying, "I will," but is he, in fact,</p> <p>7 getting on his stomach?</p> <p>8 MR. LAGOMARSINO: Counsel, are you saying,</p> <p>9 like, is he getting on his stomach while you have the</p> <p>10 video paused? Or while it's running? Because it</p> <p>11 seemed like you're pausing it, and then asking him if</p> <p>12 he's doing something.</p> <p>13 MR. MCNUTT: Is that really a question?</p> <p>14 MR. LAGOMARSINO: I'm making an objection.</p> <p>15 MR. MCNUTT: Well, why don't you come over</p> <p>16 here and watch.</p> <p>17 MR. LAGOMARSINO: Okay. Well, I don't hear</p> <p>18 the sound, so I'm assuming it's paused.</p> <p>19 BY MR. MCNUTT:</p> <p>20 Q. Do you understand the question?</p> <p>21 A. I'm sorry, can you repeat the question?</p> <p>22 Q. Sure. Let's just back up a little bit.</p> <p>23 (Playing video.)</p> <p>24 BY MR. MCNUTT:</p> <p>25 Q. So he says, "Get on your stomach" at 1:52.</p>

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38 (Pages 146 to 149)

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1 So in the four seconds, 1:52 to 1:56, did
2 he get on his stomach?
3 A. No. It looked like he was reaching into
4 his shoe.
5 (Playing video.)
6 BY MR. MCNUTT:
7 Q. You hear that, "Okay, okay, sir"?
8 A. Yes.
9 Q. Do you know who that was?
10 A. I believe it was Farmer.
11 (Playing video.)
12 BY MR. MCNUTT:
13 Q. Do you know who Officer Lopera is asking
14 for assistance from?
15 A. I believe it's Venetian security guards.
16 Q. So we're at 2:19 on Officer Lopera's
17 body-worn cam. How would you describe Tashi Farmer's
18 resistance level?
19 A. He's still in an active resistance.
20 Q. So he's not complying. What is the
21 definition, that he's not complying?
22 A. He's not complying to lawful orders, and
23 he's taking actions to not comply as in getting up
24 and fighting; it looked like he was trying to pull
25 the taser prongs off his back.

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1 MR. LAGOMARSINO: Leading.
2 BY MR. MCNUTT:
3 Q. I'll back it up to 2:30.
4 I want you to tell me whether or not you
5 can tell whether Mr. Lopera ever takes a swing at --
6 excuse me, Mr. Farmer takes a swing at Officer
7 Lopera.
8 (Playing video.)
9 BY MR. MCNUTT:
10 Q. Anywhere in there?
11 A. Can you play it again?
12 Q. I'm sorry, you want it replayed?
13 A. Yes.
14 Q. So we're back at 2:30.
15 (Playing video.)
16 BY MR. MCNUTT:
17 Q. Is that a punch?
18 A. It looked like something hit his -- hit him
19 in the shoulder in the camera.
20 Q. Can you hear it?
21 A. I heard the thump, yeah.
22 Q. What could that thump be?
23 MR. LAGOMARSINO: Form. Speculation.
24 THE WITNESS: Mr. Farmer striking Lopera.
25 (Playing video.)

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1 Q. Okay. If at any point you see his
2 resistance level change up or down, let me know. If
3 you see him comply, let me know, okay?
4 A. Okay.
5 (Playing video.)
6 BY MR. MCNUTT:
7 Q. Is there any active aggressive resistive
8 there?
9 A. Not that I can see.
10 (Playing video.)
11 BY MR. MCNUTT:
12 Q. Is Mr. Farmer complying at any point up to
13 2:53 in the tape?
14 A. No.
15 Q. How can you tell?
16 A. Because they're trying -- they're trying to
17 put his hands behind his back, and he's pulling his
18 arms away from them.
19 Q. Not to mention that the video is pretty
20 shaky?
21 A. Correct.
22 Q. Showing that there's some --
23 A. Struggle.
24 Q. There's struggle at this point, correct?
25 A. Correct.

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1 BY MR. MCNUTT:
2 Q. Is there any other explanation for that
3 thud that hits his body cam?
4 MR. LAGOMARSINO: Form. Foundation.
5 THE WITNESS: No.
6 BY MR. MCNUTT:
7 Q. Would that be -- what level of resistance
8 would that be at that point?
9 A. Aggressive.
10 MR. MCNUTT: I don't have any further
11 questions.
12 MR. LAGOMARSINO: Just some follow-ups.
13
14 FURTHER EXAMINATION
15 BY MR. LAGOMARSINO:
16 Q. So you were asked about a photo where there
17 was a taser on Lopera's belt. Do you remember those
18 questions?
19 A. Yes.
20 Q. And whether it was possible that Tashi
21 could have somehow reached out when he was in a choke
22 hold and gotten a taser.
23 Tasers have safeties, correct?
24 A. Yes.
25 Q. Were you aware of the fact that Lopera was

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* * * Videotaped Deposition * * *

39 (Pages 150 to 153)

<p style="text-align: right;">Page 150</p> <p>1 a competitive jutsu fighter?</p> <p>2 MR. MCNUTT: Objection. Form.</p> <p>3 THE WITNESS: At the night prior to that</p> <p>4 incident, no.</p> <p>5 BY MR. LAGOMARSINO:</p> <p>6 Q. When did you learn that he fought</p> <p>7 competitively as a jutsu fighter?</p> <p>8 MR. MCNUTT: Objection. Form. Foundation.</p> <p>9 THE WITNESS: A couple of months later.</p> <p>10 BY MR. LAGOMARSINO:</p> <p>11 Q. How did you learn that?</p> <p>12 A. At the station through coworkers.</p> <p>13 Q. You were asked a series of questions</p> <p>14 about – in the beginning of the video about Tashi</p> <p>15 running through what's been referred to as the back</p> <p>16 of the house, and then some questions about</p> <p>17 trespassing.</p> <p>18 Did you see any signs that said "back of</p> <p>19 the house" in that video?</p> <p>20 A. No.</p> <p>21 Q. Did you see any "no trespassing" signs?</p> <p>22 A. I mean, based on the video, no. But there</p> <p>23 could have been "employees only" signs off to the</p> <p>24 side.</p> <p>25 Q. There could have been, there could not have</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. What does ED mean?</p> <p>2 A. Excited delirium.</p> <p>3 Q. And did you see signs of excited delirium</p> <p>4 in the videos that you watched?</p> <p>5 A. I mean, he's acting pretty erratic.</p> <p>6 Q. And how does excited delirium factor into a</p> <p>7 use of force analysis?</p> <p>8 A. I know in the Academy, they said excited</p> <p>9 delirium, the ECD would be the best option to control</p> <p>10 a person with ED.</p> <p>11 Q. When you saw -- strike that.</p> <p>12 When you took the pulse of Tashi and noted</p> <p>13 that he was unresponsive, did you believe that he had</p> <p>14 serious medical needs at that point?</p> <p>15 A. At the time, I couldn't find a pulse. I</p> <p>16 didn't know if I was doing it wrong, if my adrenaline</p> <p>17 was too high. I don't -- I can't say that Mr. Farmer</p> <p>18 needed serious medical need at the moment. I didn't</p> <p>19 even know if I did the pulse wrong.</p> <p>20 But when I asked Officer Crevettes</p> <p>21 (phonetic) if he found a pulse, he said he did, so...</p> <p>22 Q. Okay. So let's break it down. So Tashi's</p> <p>23 unconscious, not moving, and you can't find a pulse,</p> <p>24 and you're saying that he did not need serious</p> <p>25 medical attention?</p>
<p style="text-align: right;">Page 151</p> <p>1 been, right?</p> <p>2 A. But there was a chain-link, and then there</p> <p>3 was the doors itself that leads -- doesn't say it</p> <p>4 leads to any business that I know of.</p> <p>5 To me, a reasonable person wouldn't go to</p> <p>6 the back house, go down a bunch of stairs and run out</p> <p>7 to the loading docks.</p> <p>8 Q. Right. The little chain thing with the</p> <p>9 cone, that could have just as easily been something</p> <p>10 that was roped off for a wet floor, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And then you were asked about whether there</p> <p>13 was restricted access. I mean, I didn't see any</p> <p>14 signs that said "restricted access," did you?</p> <p>15 A. Not on the video, no.</p> <p>16 Q. You're crisis intervention certified,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Did you hear in any of the videos</p> <p>20 Officer Lopera admit that he believed he saw the</p> <p>21 early signs of ED on Lopera?</p> <p>22 A. On Lopera's body camera video did I hear</p> <p>23 him say ED?</p> <p>24 Q. Yeah.</p> <p>25 A. I did not.</p>	<p style="text-align: right;">Page 153</p> <p>1 MR. ANDERSON: Objection. Form.</p> <p>2 THE WITNESS: I asked for medical.</p> <p>3 BY MR. LAGOMARSINO:</p> <p>4 Q. Did you ask for medical because you</p> <p>5 believed he needed -- because he had serious medical</p> <p>6 attention?</p> <p>7 A. I asked for medical because Mr. Farmer was</p> <p>8 placed in LVNR, and if we place somebody in LVNR,</p> <p>9 we're supposed to ask for medical.</p> <p>10 Q. Would you have called medical if you didn't</p> <p>11 think he needed medical?</p> <p>12 A. If he was placed in LVNR, I would have</p> <p>13 called medical.</p> <p>14 Q. Looking now at the body cam footage and</p> <p>15 knowing what you know now, did Tashi have serious</p> <p>16 medical needs?</p> <p>17 MR. ANDERSON: Objection. Form.</p> <p>18 THE WITNESS: In hindsight, yes. Because</p> <p>19 Mr. Farmer is deceased now. Yes, he had medical</p> <p>20 needs.</p> <p>21 BY MR. LAGOMARSINO:</p> <p>22 Q. And then when you tested his pulse and saw</p> <p>23 that he was unconscious, you laid him back down and</p> <p>24 walked away, right?</p> <p>25 MR. ANDERSON: Objection. Form.</p>

Officer Michael Tran ~ December 18, 2018
* * * Videotaped Deposition * * *

40 (Pages 154 to 157)

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<p>1 THE WITNESS: Yes.</p> <p>2 MR. LAGOMARSINO: No further questions.</p> <p>3</p> <p>4 FURTHER EXAMINATION</p> <p>5 BY MR. MCNUTT:</p> <p>6 Q. Do people that exhibit excited delirium, do</p> <p>7 those symptoms often seem similar to people that are</p> <p>8 under the influence of a controlled substance?</p> <p>9 A. Yes.</p> <p>10 MR. MCNUTT: No further questions.</p> <p>11 MR. ANDERSON: I'll just follow up real</p> <p>12 quick.</p> <p>13</p> <p>14 FURTHER EXAMINATION</p> <p>15 BY MR. ANDERSON:</p> <p>16 Q. On the medical issues, as a trained</p> <p>17 officer, if you believe someone may possibly require</p> <p>18 medical attention, what are you trained to do?</p> <p>19 A. Call for medical.</p> <p>20 Q. And are there officers that have more</p> <p>21 medical skills than others?</p> <p>22 A. Possibly, yes.</p> <p>23 Q. Okay. So your training and policy is that</p> <p>24 if you believe someone may or may not need medical is</p> <p>25 that you call medical?</p>	<p>1 CERTIFICATE OF DEPONENT</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 *****</p> <p>19 I, MICHAEL TRAN, deponent herein, do hereby</p> <p>20 certify and declare under penalty of perjury the</p> <p>21 within and foregoing transcription to be my</p> <p>22 deposition in said action; that I have read,</p> <p>23 corrected and do hereby affix my signature to said</p> <p>24 deposition.</p> <p>25</p> <p style="text-align: right;">MICHAEL TRAN Deponent</p>
<p style="text-align: center;">Page 155</p> <p>1 A. Correct.</p> <p>2 MR. ANDERSON: Thank you. Nothing further.</p> <p>3 MR. LAGOMARSINO: Nothing further.</p> <p>4 THE VIDEOGRAPHER: This concludes the</p> <p>5 videotaped deposition of Officer Michael Tran taken</p> <p>6 on December 18th, 2018. The original media of</p> <p>7 today's testimony will remain in the custody of LVLV.</p> <p>8 We're going off the record at approximately</p> <p>9 3:22 p.m.</p> <p>10 - - -</p> <p>11 (The videotaped deposition was</p> <p>12 concluded at 3:22 p.m.)</p> <p>13 - - -</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">Page 157</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2 I, the undersigned, a Certified Shorthand</p> <p>3 Reporter of the State of Nevada, do hereby certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth;</p> <p>6 that any witnesses in the foregoing proceedings,</p> <p>7 prior to testifying, were duly sworn; that a record</p> <p>8 of the proceedings was made by me using machine</p> <p>9 shorthand which was thereafter transcribed under my</p> <p>10 direction; that the foregoing transcript is a true</p> <p>11 record of the testimony given to the best of my</p> <p>12 ability.</p> <p>13 Further, that before completion of the</p> <p>14 proceedings, review of the transcript [X] was</p> <p>15 [] was not requested pursuant to NRCP 30(e).</p> <p>16 I further certify I am neither financially</p> <p>17 interested in the action, nor a relative or employee</p> <p>18 of any attorney or party to this action.</p> <p>19 IN WITNESS WHEREOF, I have this date</p> <p>20 subscribed my name.</p> <p>21</p> <p>22 Dated: December 27, 2018</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">GALE SALERNO, RMR, CCR No. 542</p>